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**H. R. 695**

**[Report No. 107–286]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2001

Received; read twice and referred to the Committee on Energy and Natural  
Resources

SEPTEMBER 17, 2002

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

# AN ACT

To establish the Oil Region National Heritage Area.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; DEFINITIONS.**

4       (a) ~~SHORT TITLE.~~—This Act may be cited as the  
5       “~~Oil Region National Heritage Area Act~~”.

6       (b) ~~DEFINITIONS.~~—For the purposes of this Act, the  
7       following definitions shall apply:

1           (1) HERITAGE AREA.—The term “Heritage  
2           Area” means the Oil Region National Heritage Area  
3           established in section 3(a).

4           (2) MANAGEMENT ENTITY.—The term “man-  
5           agement entity” means the Oil Heritage Region,  
6           Inc., or its successor entity.

7           (3) SECRETARY.—The term “Secretary” means  
8           the Secretary of the Interior.

9   **SEC. 2. FINDINGS AND PURPOSE.**

10          (a) FINDINGS.—The Congress finds the following:

11               (1) The Oil Region of Northwestern Pennsyl-  
12               vania, with numerous sites and districts listed on the  
13               National Register of Historic Places, and designated  
14               by the Governor of Pennsylvania as one of the State  
15               Heritage Park Areas, is a region with tremendous  
16               physical and natural resources and possesses a story  
17               of State, national, and international significance.

18               (2) The single event of Colonel Edwin Drake’s  
19               drilling of the world’s first successful oil well in  
20               1859 has affected the industrial, natural, social, and  
21               political structures of the modern world.

22               (3) Six national historic districts are located  
23               within the State Heritage Park boundary, in  
24               Emlenton, Franklin, Oil City, and Titusville, as well  
25               as 17 separate National Register sites.

1           (4) The Allegheny River, which was designated  
2           as a component of the national wild and scenic riv-  
3           ers system in 1992 by Public Law 102-271, tra-  
4           verses the Oil Region and connects several of its  
5           major sites, as do some of the river's tributaries  
6           such as Oil Creek, French Creek, and Sandy Creek.

7           (5) The unspoiled rural character of the Oil Re-  
8           gion provides many natural and recreational re-  
9           sources, scenic vistas, and excellent water quality for  
10          people throughout the United States to enjoy.

11          (6) Remnants of the oil industry, visible on the  
12          landscape to this day, provide a direct link to the  
13          past for visitors, as do the historic valley settle-  
14          ments, riverbed settlements, plateau developments,  
15          farmlands, and industrial landscapes.

16          (7) The Oil Region also represents a cross sec-  
17          tion of American history associated with Native  
18          Americans, frontier settlements, the French and In-  
19          dian War, African Americans and the Underground  
20          Railroad, and immigration of Swedish and Polish in-  
21          dividuals, among others.

22          (8) Involvement by the Federal Government  
23          shall serve to enhance the efforts of the Common-  
24          wealth of Pennsylvania, local subdivisions of the  
25          Commonwealth of Pennsylvania, volunteer organiza-

1        tions, and private businesses, to promote the cul-  
2        tural, national, and recreational resources of the re-  
3        gion in order to fulfill their full potential.

4        (b) PURPOSE.—The purpose of this Act is to enhance  
5        a cooperative management framework to assist the Com-  
6        monwealth of Pennsylvania, its units of local government,  
7        and area citizens in conserving, enhancing, and inter-  
8        preting the significant features of the lands, water, and  
9        structures of the Oil Region, in a manner consistent with  
10       compatible economic development for the benefit and in-  
11       spiration of present and future generations in the Com-  
12       monwealth of Pennsylvania and the United States.

13       **SEC. 3. OIL REGION NATIONAL HERITAGE AREA.**

14       (a) ESTABLISHMENT.—There is hereby established  
15       the Oil Region National Heritage Area.

16       (b) BOUNDARIES.—The boundaries of the Heritage  
17       Area shall include all of those lands depicted on a map  
18       entitled “Oil Region National Heritage Area”, numbered  
19       OIRE/20,000 and dated October, 2000. The map shall be  
20       on file in the appropriate offices of the National Park  
21       Service. The Secretary of the Interior shall publish in the  
22       Federal Register, as soon as practical after the date of  
23       the enactment of this Act, a detailed description and map  
24       of the boundaries established under this subsection.

1       (c) ~~MANAGEMENT ENTITY.~~—The management entity  
2 for the Heritage Area shall be the Oil Heritage Region,  
3 Inc., the locally based private, nonprofit management cor-  
4 poration which shall oversee the development of a manage-  
5 ment plan in accordance with section 5(b).

6 **SEC. 4. COMPACT.**

7       To carry out the purposes of this Act, the Secretary  
8 shall enter into a compact with the management entity.  
9 The compact shall include information relating to the ob-  
10 jectives and management of the area, including a discus-  
11 sion of the goals and objectives of the Heritage Area, in-  
12 cluding an explanation of the proposed approach to con-  
13 servation and interpretation and a general outline of the  
14 protection measures committed to by the Secretary and  
15 management entity.

16 **SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTI-**  
17 **TY.**

18       (a) ~~AUTHORITIES OF THE MANAGEMENT ENTITY.~~—  
19 The management entity may use funds made available  
20 under this Act for purposes of preparing, updating, and  
21 implementing the management plan developed under sub-  
22 section (b). Such purposes may include—

23               (1) making grants to, and entering into cooper-  
24               ative agreements with, States and their political sub-  
25               divisions, private organizations, or any other person;

1           (2) hiring and compensating staff; and

2           (3) undertaking initiatives that advance the  
3 purposes of the Heritage Area.

4       (b) MANAGEMENT PLAN.—The management entity  
5 shall develop a management plan for the Heritage Area  
6 that—

7           (1) presents comprehensive strategies and rec-  
8 ommendations for conservation, funding, manage-  
9 ment, and development of the Heritage Area;

10          (2) takes into consideration existing State,  
11 county, and local plans and involves residents, public  
12 agencies, and private organizations working in the  
13 Heritage Area;

14          (3) includes a description of actions that units  
15 of government and private organizations have agreed  
16 to take to protect the resources of the Heritage  
17 Area;

18          (4) specifies the existing and potential sources  
19 of funding to protect, manage, and develop the Her-  
20 itage Area;

21          (5) includes an inventory of the resources con-  
22 tained in the Heritage Area, including a list of any  
23 property in the Heritage Area that is related to the  
24 themes of the Heritage Area and that should be pre-  
25 served, restored, managed, developed, or maintained

1 because of its natural, cultural, historic, recreational,  
2 or scenic significance;

3 (6) recommends policies for resource manage-  
4 ment which consider and detail application of appro-  
5 priate land and water management techniques, in-  
6 cluding, but not limited to, the development of inter-  
7 governmental and interagency cooperative agree-  
8 ments to protect the Heritage Area's historical, cul-  
9 tural, recreational, and natural resources in a man-  
10 ner consistent with supporting appropriate and com-  
11 patible economic viability;

12 (7) describes a program for implementation of  
13 the management plan by the management entity, in-  
14 cluding plans for restoration and construction, and  
15 specific commitments for that implementation that  
16 have been made by the management entity and any  
17 other persons for the first 5 years of implementa-  
18 tion;

19 (8) includes an analysis of ways in which local,  
20 State, and Federal programs, including the role for  
21 the National Park Service in the Heritage Area, may  
22 best be coordinated to promote the purposes of this  
23 Act;

1           (9) lists any revisions to the boundaries of the  
 2       Heritage Area proposed by the management entity  
 3       and requested by the affected local government; and  
 4           (10) includes an interpretation plan for the  
 5       Heritage Area.

6       ~~(c) DEADLINE; TERMINATION OF FUNDING.—~~

7           (1) ~~DEADLINE.~~—The management entity shall  
 8       submit the management plan to the Secretary within  
 9       2 years after the funds are made available for this  
 10      Act.

11          (2) ~~TERMINATION OF FUNDING.~~—If a manage-  
 12      ment plan is not submitted to the Secretary in ac-  
 13      cordance with this subsection, the management enti-  
 14      ty shall not qualify for Federal assistance under this  
 15      Act.

16      ~~(d) DUTIES OF MANAGEMENT ENTITY.~~—The man-  
 17      agement entity shall—

18          (1) give priority to implementing actions set  
 19      forth in the compact and management plan;

20          (2) assist units of government, regional plan-  
 21      ning organizations, and nonprofit organizations in—

22              (A) establishing and maintaining interpre-  
 23          tive exhibits in the Heritage Area;

24              (B) developing recreational resources in  
 25          the Heritage Area;



1           (C) increasing public awareness of and ap-  
2           preciation for the natural, historical, and archi-  
3           tectural resources and sites in the Heritage  
4           Area;

5           (D) the restoration of any historic building  
6           relating to the themes of the Heritage Area;

7           (E) ensuring that clear, consistent, and en-  
8           vironmentally appropriate signs identifying ac-  
9           cess points and sites of interest are put in place  
10          throughout the Heritage Area; and

11          (F) carrying out other actions that the  
12          management entity determines to be advisable  
13          to fulfill the purposes of this Act;

14          (3) encourage by appropriate means economic  
15          viability in the Heritage Area consistent with the  
16          goals of the management plan;

17          (4) consider the interests of diverse govern-  
18          mental, business, and nonprofit groups within the  
19          Heritage Area; and

20          (5) for any year in which Federal funds have  
21          been provided to implement the management plan  
22          under subsection (b)—

23                 (A) conduct public meetings at least annu-  
24                 ally regarding the implementation of the man-  
25                 agement plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

**SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this Act, including updating and im-

1       plementing a management plan that is sub-  
2       mitted under section 5(b) and approved by the  
3       Secretary and, prior to such approval, providing  
4       assistance for initiatives.

5               (B) OTHER ASSISTANCE.—If the Secretary  
6       has the resources available to provide technical  
7       assistance to the management entity to carry  
8       out its duties under this Act (including updat-  
9       ing and implementing a management plan that  
10      is submitted under section 5(b) and approved  
11      by the Secretary and, prior to such approval,  
12      providing assistance for initiatives), upon the  
13      request of the management entity the Secretary  
14      shall provide such assistance on a reimbursable  
15      basis. This subparagraph does not preclude the  
16      Secretary from providing nonreimbursable as-  
17      sistance under subparagraph (A).

18           (2) PRIORITY.—In assisting the management  
19      entity, the Secretary shall give priority to actions  
20      that assist in the—

21               (A) implementation of the management  
22      plan;

23               (B) provision of educational assistance and  
24      advice regarding land and water management

1 techniques to conserve the significant natural  
2 resources of the region;

3 (C) development and application of tech-  
4 niques promoting the preservation of cultural  
5 and historic properties;

6 (D) preservation, restoration, and reuse of  
7 publicly and privately owned historic buildings;

8 (E) design and fabrication of a wide range  
9 of interpretive materials based on the manage-  
10 ment plan, including guide brochures, visitor  
11 displays, audio-visual and interactive exhibits,  
12 and educational curriculum materials for public  
13 education; and

14 (F) implementation of initiatives prior to  
15 approval of the management plan.

16 (3) DOCUMENTATION OF STRUCTURES.—The  
17 Secretary, acting through the Historic American  
18 Building Survey and the Historic American Engi-  
19 neering Record, shall conduct studies necessary to  
20 document the industrial, engineering, building, and  
21 architectural history of the Heritage Area.

22 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
23 PLANS.—The Secretary, in consultation with the Governor  
24 of Pennsylvania, shall approve or disapprove a manage-  
25 ment plan submitted under this Act not later than 90 days

1 after receiving such plan. In approving the plan, the Sec-  
2 retary shall take into consideration the following criteria:

3           (1) The extent to which the management plan  
4 adequately preserves and protects the natural, cul-  
5 tural, and historical resources of the Heritage Area.

6           (2) The level of public participation in the de-  
7 velopment of the management plan.

8           (3) The extent to which the board of directors  
9 of the management entity is representative of the  
10 local government and a wide range of interested or-  
11 ganizations and citizens.

12       (c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-  
13 retary disapproves a management plan, the Secretary shall  
14 advise the management entity in writing of the reasons  
15 for the disapproval and shall make recommendations for  
16 revisions in the management plan. The Secretary shall ap-  
17 prove or disapprove a proposed revision within 90 days  
18 after the date it is submitted.

19       (d) APPROVING CHANGES.—The Secretary shall re-  
20 view and approve amendments to the management plan  
21 under section 5(b) that make substantial changes. Funds  
22 appropriated under this Act may not be expended to im-  
23 plement such changes until the Secretary approves the  
24 amendments.

1       (e) **EFFECT OF INACTION.**—If the Secretary does not  
2 approve or disapprove a management plan, revision, or  
3 change within 90 days after it is submitted to the Sec-  
4 retary, then such management plan, revision, or change  
5 shall be deemed to have been approved by the Secretary.

6 **SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.**

7       Any Federal entity conducting or supporting activi-  
8 ties directly affecting the Heritage Area shall—

9           (1) consult with the Secretary and the manage-  
10 ment entity with respect to such activities;

11           (2) cooperate with the Secretary and the man-  
12 agement entity in carrying out their duties under  
13 this Act and, to the maximum extent practicable, co-  
14 ordinate such activities with the carrying out of such  
15 duties; and

16           (3) to the maximum extent practicable, conduct  
17 or support such activities in a manner that the man-  
18 agement entity determines shall not have an adverse  
19 effect on the Heritage Area.

20 **SEC. 8. SUNSET.**

21       The Secretary may not make any grant or provide  
22 any assistance under this Act after the expiration of the  
23 15-year period beginning on the date of the enactment of  
24 this Act.

1 **SEC. 9. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

2       Nothing in this Act shall preclude the management  
3 entity from using Federal funds available under Acts other  
4 than this Act for the purposes for which those funds were  
5 authorized.

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7       (a) IN GENERAL.—There are authorized to be appro-  
8 priated to carry out this Act—

9               (1) not more than \$1,000,000 for any fiscal  
10 year; and

11              (2) not more than a total of \$10,000,000.

12       (b) 50 PERCENT MATCH.—Financial assistance pro-  
13 vided under this Act may not be used to pay more than  
14 50 percent of the total cost of any activity carried out with  
15 that assistance.

16 **SECTION 1. SHORT TITLE.**

17       *This Act may be cited as the “Omnibus National Her-  
18 itage Area Act of 2002”.*

19 **SEC. 2. TABLE OF CONTENTS.**

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

**TITLE I—OIL REGION NATIONAL HERITAGE AREA**

*Sec. 101. Short title; definitions.*

*Sec. 102. Findings and purpose.*

*Sec. 103. Oil Region National Heritage Area.*

*Sec. 104. Memorandum of Understanding.*

*Sec. 105. Authorities and duties of management entity.*

*Sec. 106. Duties and authorities of the Secretary.*

*Sec. 107. Duties of other Federal entities.*

*Sec. 108. Use of Federal funds from other sources.*

*Sec. 109. Authorization of appropriations.*

*Sec. 110. Termination of authority.*

## ***TITLE II—ARABIA MOUNTAIN NATIONAL HERITAGE AREA***

*Sec. 201. Short title.*

*Sec. 202. Findings and purposes.*

*Sec. 203. Definitions.*

*Sec. 204. Arabia Mountain National Heritage Area.*

*Sec. 205. Authorities and duties of management entity.*

*Sec. 206. Management plan.*

*Sec. 207. Technical and financial assistance.*

*Sec. 208. Effect on certain authority.*

*Sec. 209. Authorization of appropriations.*

*Sec. 210. Termination of authority.*

## ***TITLE III—FREEDOM'S WAY NATIONAL HERITAGE AREA***

*Sec. 301. Short title.*

*Sec. 302. Findings and purposes.*

*Sec. 303. Definitions.*

*Sec. 304. Freedom's Way National Heritage Area.*

*Sec. 305. Management Plan.*

*Sec. 306. Authorities and duties of the management entity.*

*Sec. 307. Technical and financial assistance; other Federal agencies.*

*Sec. 308. Land use regulation; applicability of Federal law.*

*Sec. 309. Authorization of appropriations.*

*Sec. 310. Termination of authority.*

## ***TITLE IV—GREAT BASIN NATIONAL HERITAGE AREA***

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*Sec. 402. Findings and purposes.*

*Sec. 403. Definitions.*

*Sec. 404. Great Basin National Heritage Area.*

*Sec. 405. Memorandum of Understanding.*

*Sec. 406. Management Plan.*

*Sec. 407. Authority and duties of management entity.*

*Sec. 408. Duties and authorities of Federal agencies.*

*Sec. 409. Land use regulation; applicability of Federal law.*

*Sec. 410. Authorization of appropriations.*

*Sec. 411. Termination of authority.*

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*Sec. 501. Short title.*

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*Sec. 503. Definitions.*

*Sec. 504. Northern Rio Grande National Heritage Area.*

*Sec. 505. Authorities and duties of the management entity.*

*Sec. 506. Duties of the Secretary.*

*Sec. 507. Savings provision.*

*Sec. 508. Sunset.*

*Sec. 509. Authorization of appropriations.*

## ***TITLE VI—NATIONAL MORMON PIONEER HERITAGE AREA***

*Sec. 601. Short title.*



*Sec. 602. Findings and purposes.*

*Sec. 603. Definitions.*

*Sec. 604. National Mormon Pioneer Heritage Area.*

*Sec. 605. Designation of alliance as management entity.*

*Sec. 606. Management of the heritage area.*

*Sec. 607. Duties and authorities of Federal agencies.*

*Sec. 608. No effect on land use authority and private property.*

*Sec. 609. Authorization of appropriations.*

*TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY  
NATIONAL HERITAGE AREA*

*Sec. 701. Authorization of appropriations.*

**1    *TITLE I—OIL REGION NATIONAL***  
**2                    *HERITAGE AREA***

**3    *SEC. 101. SHORT TITLE; DEFINITIONS.***

**4            (a) *SHORT TITLE.*—This title may be cited as the “Oil**  
**5    *Region National Heritage Area”.***

**6            (b) *DEFINITIONS.*—For the purposes of this title, the**  
**7    *following definitions shall apply:***

**8                    (1) *HERITAGE AREA.*—The term “Heritage**  
**9            *Area” means the Oil Region National Heritage Area***  
**10            *established in section 103(a).***

**11                    (2) *MANAGEMENT ENTITY.*—The term “manage-**  
**12            *ment entity” means the Oil heritage Region, Inc., or***  
**13            *its successor entity.***

**14                    (3) *SECRETARY.*—The term “Secretary” means**  
**15            *the Secretary of the Interior.***

**16    *SEC. 102. FINDINGS AND PURPOSE.***

**17            (a) *FINDINGS.*—The Congress finds the following:**

**18                    (1) *The Oil Region of Northwestern Pennsyl-***  
**19            *vania, with numerous sites and districts listed on the***

1     *National Register of Historic Places, and designated*  
2     *by the Governor of Pennsylvania as one of the State*  
3     *Heritage Park Areas, is a region with tremendous*  
4     *physical and natural resources and possesses a story*  
5     *of State, national, and international significance.*

6             *(2) The single event of Colonel Edwin Drake's*  
7     *drilling of the world's first successful oil well in 1859*  
8     *has affected the industrial, natural, social, and polit-*  
9     *ical structures of the modern world.*

10            *(3) Six national historic districts are located*  
11    *within the State Heritage Park boundary, in*  
12    *Emlenton, Franklin, Oil City, and Titusville, as well*  
13    *as 17 separate National Register sites.*

14            *(4) The Allegheny River, which was designated*  
15    *as a component of the national wild and scenic rivers*  
16    *system in 1992 by Public Law 102-271, traverses the*  
17    *Oil Region and connects several of its major sites, as*  
18    *do some of the river's tributaries such as Oil Creek,*  
19    *French Creek, and Sandy Creek.*

20            *(5) The unspoiled rural character of the Oil Re-*  
21    *gion provides many natural and recreational re-*  
22    *sources, scenic vistas, and excellent water quality for*  
23    *people throughout the United States to enjoy.*

24            *(6) Remnants of the oil industry, visible on the*  
25    *landscape to this day, provide a direct link to the*

1       *past for visitors, as do the historic valley settlements,*  
2       *riverbed settlements, plateau developments, farmlands,*  
3       *and industrial landscapes.*

4               *(7) The Oil Region also represents a cross section*  
5       *of American history associated with Native Ameri-*  
6       *cans, frontier settlements, the French and Indian*  
7       *War, African Americans and the Underground Rail-*  
8       *road, and immigration of Swedish and Polish indi-*  
9       *viduals, among others.*

10              *(8) Involvement by the Federal Government shall*  
11       *serve to enhance the efforts of the Commonwealth of*  
12       *Pennsylvania, local subdivisions of the Common-*  
13       *wealth of Pennsylvania, volunteer organizations, and*  
14       *private businesses, to promote the cultural, national,*  
15       *and recreational resources of the region in order to*  
16       *fulfill their full potential.*

17              *(b) PURPOSE.—The purpose of this title is to enhance*  
18       *a cooperative management framework to assist the Com-*  
19       *monwealth of Pennsylvania, its units of local government,*  
20       *and area citizens in conserving, enhancing, and inter-*  
21       *preting the significant features of the lands, water, and*  
22       *structures of the Oil Region, in a manner consistent with*  
23       *compatible economic development for the benefit and inspi-*  
24       *ration of present and future generations in the Common-*  
25       *wealth of Pennsylvania and the United States.*

1 **SEC. 103. OIL REGION NATIONAL HERITAGE AREA.**

2 (a) *ESTABLISHMENT.*—*There is hereby established the*  
3 *Oil Region National Heritage Area.*

4 (b) *BOUNDARIES.*—*The boundaries of the Heritage*  
5 *Area shall include all of those lands depicted on a map enti-*  
6 *tled “Oil Region National Heritage Area”, numbered*  
7 *OIRE/20,000 and dated October 2000. The map shall be*  
8 *on file in the appropriate offices of the National Park Serv-*  
9 *ice. The Secretary shall publish in the Federal Register, as*  
10 *soon as practical after the date of the enactment of this title,*  
11 *a detailed description and map of the boundaries estab-*  
12 *lished under this subsection.*

13 (c) *MANAGEMENT ENTITY.*—*The management entity*  
14 *for the Heritage Area shall be the Oil Heritage Region, Inc.,*  
15 *the locally-based private, nonprofit management corpora-*  
16 *tion which shall oversee the development of a management*  
17 *plan in accordance with section 105(b).*

18 **SEC. 104. MEMORANDUM OF UNDERSTANDING.**

19 *To carry out the purposes of this title, the Secretary*  
20 *shall enter into a memorandum of understanding with the*  
21 *management entity. The memorandum shall include infor-*  
22 *mation relating to the objectives and management of the*  
23 *area, including a discussion of the goals and objectives of*  
24 *the Heritage Area, including an explanation of the proposed*  
25 *approach to conservation and interpretation and a general*

1 *outline of the protection measures committed to by the Sec-*  
 2 *retary and management entity.*

3 **SEC. 105. AUTHORITIES AND DUTIES OF MANAGEMENT EN-**  
 4 **TITY.**

5 (a) *AUTHORITIES.*—*The management entity may use*  
 6 *funds made available under this title for purposes of pre-*  
 7 *paring, updating, and implementing the management plan*  
 8 *developed under subsection (b). Such purposes may in-*  
 9 *clude—*

10 (1) *making grants to, and entering into coopera-*  
 11 *tive agreements with, States and their political sub-*  
 12 *divisions, private organizations, or any other person;*

13 (2) *hiring and compensating staff; and*

14 (3) *undertaking initiatives that advance the pur-*  
 15 *poses of the Heritage Area.*

16 (b) *MANAGEMENT PLAN.*—*The management entity*  
 17 *shall develop a management plan for the Heritage Area*  
 18 *that—*

19 (1) *presents comprehensive strategies and rec-*  
 20 *ommendations for conservation, funding, manage-*  
 21 *ment, and development of the Heritage Area;*

22 (2) *takes into consideration existing State, coun-*  
 23 *ty, and local plans and involves residents, public*  
 24 *agencies, and private organizations working in the*  
 25 *Heritage Area;*

1           (3) includes a description of actions that units  
2 of government and private organizations have agreed  
3 to take to protect the resources of the Heritage Area;

4           (4) specifies the existing and potential sources of  
5 funding to protect, manage, and develop the Heritage  
6 Area;

7           (5) includes an inventory of the resources con-  
8 tained in the Heritage Area, including a list of any  
9 property in the Heritage Area that is related to the  
10 themes of the Heritage Area and that should be pre-  
11 served, restored, managed, developed, or maintained  
12 because of its natural, cultural, historic, recreational,  
13 or scenic significance;

14          (6) recommends policies for resource manage-  
15 ment which consider and detail application of appro-  
16 priate land and water management techniques, in-  
17 cluding, but not limited to, the development of inter-  
18 governmental and interagency cooperative agreements  
19 to protect the Heritage Area's historical, cultural, rec-  
20 reational, and natural resources in a manner con-  
21 sistent with supporting appropriate and compatible  
22 economic viability;

23          (7) describes a program for implementation of  
24 the management plan by the management entity, in-  
25 cluding plans for restoration and construction, and

1       *specific commitments for that implementation that*  
 2       *have been made by the management entity and any*  
 3       *other persons for the first 5 years of implementation;*

4           (8) *includes an analysis of ways in which local,*  
 5       *State, and Federal programs, including the role for*  
 6       *the National Park Service in the Heritage Area, may*  
 7       *best be coordinated to promote the purposes of this*  
 8       *title;*

9           (9) *list any revisions to the boundaries of the*  
 10       *Heritage Area proposed by the management entity*  
 11       *and requested by the affected local government; and*

12           (10) *includes an interpretation plan for the Her-*  
 13       *itage Area.*

14       (c) *DEADLINE; TERMINATION OF FUNDING.—*

15           (1) *DEADLINE.—The management entity shall*  
 16       *submit the management plan to the Secretary within*  
 17       *2 years after the funds are made available for this*  
 18       *title.*

19           (2) *TERMINATION OF FUNDING.—If a manage-*  
 20       *ment plan is not submitted to the Secretary in ac-*  
 21       *cordance with this subsection, the management entity*  
 22       *shall not qualify for Federal assistance under this*  
 23       *title.*

24       (d) *DUTIES OF MANAGEMENT ENTITY.—The manage-*  
 25       *ment entity shall—*

- 1           (1) *give priority to implementing actions set*  
2           *forth in the compact and management plan;*
- 3           (2) *assist units of government, regional planning*  
4           *organizations, and nonprofit organizations in—*
  - 5               (A) *establishing and maintaining interpre-*  
6               *tative exhibits in the Heritage Area;*
  - 7               (B) *developing recreational resources in the*  
8               *Heritage Area;*
  - 9               (C) *increasing public awareness of and ap-*  
10              *preciation for the natural, historical, and archi-*  
11              *tectural resources and sites in the Heritage Area;*
  - 12              (D) *the restoration of any historic building*  
13              *relating to the themes of the Heritage Area;*
  - 14              (E) *ensuring that clear, consistent, and en-*  
15              *vironmentally appropriate signs identifying ac-*  
16              *cess points and sites of interest are put in place*  
17              *throughout the Heritage Area; and*
  - 18              (F) *carrying out other actions that the*  
19              *management entity determines to be advisable to*  
20              *fulfill the purposes of the title;*
- 21           (3) *encourage by appropriate means economic*  
22           *viability in the Heritage Area consistent with the*  
23           *goals of the management plan;*



1           (4) *consider the interests of diverse governmental,*  
2           *business, and nonprofit groups within the Heritage*  
3           *Area; and*

4           (5) *for any year in which Federal funds have*  
5           *been provided to implement the management plan*  
6           *under subsection (b)—*

7                   (A) *conduct public meetings at least annu-*  
8                   *ally regarding the implementation of the man-*  
9                   *agement plan;*

10                   (B) *submit an annual report to the Sec-*  
11                   *retary setting forth accomplishments, expenses*  
12                   *and income, and each person to which any grant*  
13                   *was made by the management entity in the year*  
14                   *for which the report is made; and*

15                   (C) *require, for all agreements entered into*  
16                   *by the management entity authorizing expendi-*  
17                   *ture of Federal funds by any other person, that*  
18                   *the person making the expenditure make avail-*  
19                   *able to the management entity for audit all*  
20                   *records pertaining to the expenditure of such*  
21                   *funds.*

22           (e) *PROHIBITION ON THE ACQUISITION OF REAL*  
23           *PROPERTY.—The management entity may not use Federal*  
24           *funds received under this title to acquire real property or*  
25           *an interest in real property.*

1 **SEC. 106. DUTIES AND AUTHORITIES OF THE SECRETARY.**

2 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

3 (1) *IN GENERAL.*—

4 (A) *OVERALL ASSISTANCE.*—*The Secretary*  
5 *may, upon the request of the management entity,*  
6 *and subject to the availability of appropriations,*  
7 *provide technical and financial assistance to the*  
8 *management entity to carry out its duties under*  
9 *this title, including updating and implementing*  
10 *a management plan that is submitted under sec-*  
11 *tion 105(b) and approved by the Secretary and,*  
12 *prior to such approval, providing assistance for*  
13 *initiatives.*

14 (B) *OTHER ASSISTANCE.*—*If the Secretary*  
15 *has the resources available to provide technical*  
16 *assistance to the management entity to carry out*  
17 *its duties under this title (including updating*  
18 *and implementing a management plan that is*  
19 *submitted under section 105(b) and approved by*  
20 *the Secretary and, prior to such approval, pro-*  
21 *viding assistance for initiatives, upon the request*  
22 *of the management entity the Secretary shall*  
23 *provide such assistance on a reimbursable basis.*  
24 *This subparagraph does not preclude the Sec-*  
25 *retary from providing nonreimbursable assist-*  
26 *ance under subparagraph (A).*

1           (2) *PRIORITY.*—*In assisting the management en-*  
2           *tity, the Secretary shall give priority to actions that*  
3           *assist in the—*

4                   (A) *implementation of the management*  
5                   *plan;*

6                   (B) *provision of educational assistance and*  
7                   *advice regarding land and water management*  
8                   *techniques to conserve the significant natural re-*  
9                   *sources of the region;*

10                  (C) *development and application of tech-*  
11                  *niques promoting the preservation of cultural*  
12                  *and historic properties;*

13                  (D) *preservation, restoration, and reuse of*  
14                  *publicly and privately owned historic buildings;*

15                  (E) *design and fabrication of a wide range*  
16                  *of interpretive materials based on the manage-*  
17                  *ment plan, including guide brochures, visitor*  
18                  *displays, audio-visual and interactive exhibits,*  
19                  *and educational curriculum materials for public*  
20                  *education; and*

21                  (F) *implementation of initiatives prior to*  
22                  *approval of the management plan.*

23           (3) *DOCUMENTATION OF STRUCTURES.*—*The Sec-*  
24           *retary, acting through the Historic American Build-*  
25           *ing Survey and the Historic American Engineering*

1        *Record, shall conduct studies necessary to document*  
 2        *the industrial, engineering, building, and architec-*  
 3        *tural history of the Heritage Area.*

4        *(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
 5        *PLANS.—The Secretary, in consultation with the Governor*  
 6        *of Pennsylvania, shall approve or disapprove a manage-*  
 7        *ment plan submitted under this title not later than 90 days*  
 8        *after receiving such plan. In approving the plan, the Sec-*  
 9        *retary shall take into consideration the following criteria:*

10            *(1) The extent to which the management plan*  
 11            *adequately preserves and protects the natural, cul-*  
 12            *tural, and historical resources of the Heritage Area.*

13            *(2) The level of public participation in the devel-*  
 14            *opment of the management plan.*

15            *(3) The extent to which the board of directors of*  
 16            *the management entity is representative of the local*  
 17            *government and a wide range of interested organiza-*  
 18            *tions and citizens.*

19        *(c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-*  
 20        *retary disapproves a management plan, the Secretary shall*  
 21        *advise the management entity in writing of the reasons for*  
 22        *the disapproval and shall make recommendations for revi-*  
 23        *sions in the management plan. The Secretary shall approve*  
 24        *or disapprove a proposed revision within 90 days after the*  
 25        *date it is submitted.*

1       (d) *APPROVING CHANGES.*—*The Secretary shall review*  
2 *and approve amendments to the management plan under*  
3 *section 105(b) that make substantial changes. Funds appro-*  
4 *priated under this title may not be expended to implement*  
5 *such changes until the Secretary approves the amendments.*

6 **SEC. 107. DUTIES OF OTHER FEDERAL ENTITIES.**

7       *Any Federal entity conducting or supporting activities*  
8 *directly affecting the Heritage Area shall—*

9           (1) *consult with the Secretary and the manage-*  
10 *ment entity with respect to such activities;*

11           (2) *cooperate with the Secretary and the man-*  
12 *agement entity in carrying out their duties under this*  
13 *title and, to the maximum extent practicable, coordi-*  
14 *nate such activities with the carrying out of such du-*  
15 *ties; and*

16           (3) *to the maximum extent practicable, conduct*  
17 *or support such activities in a manner that the man-*  
18 *agement entity determines shall not have an adverse*  
19 *effect on the Heritage Area.*

20 **SEC. 108. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

21       *Nothing in this title shall preclude the management*  
22 *entity from using Federal funds available under Acts other*  
23 *than this title for the purposes for which those funds were*  
24 *authorized.*

1 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

2       (a) *IN GENERAL.*—*There are authorized to be appro-*  
 3 *priated to carry out this title \$10,000,000, of which not*  
 4 *more than \$1,000,000 may be authorized to be appropriated*  
 5 *for any fiscal year.*

6       (b) *COST-SHARING REQUIREMENT.*—*The Federal*  
 7 *share of the total cost of any activity assisted under this*  
 8 *title shall be not more than 50 percent.*

9 **SEC. 110. TERMINATION OF AUTHORITY.**

10       *The authority of the Secretary to provide assistance*  
 11 *under this title terminates on the date that is 15 years after*  
 12 *the date of enactment of this title.*

13       **TITLE II—ARABIA MOUNTAIN**  
 14       **NATIONAL HERITAGE AREA**

15 **SEC. 201. SHORT TITLE.**

16       *This title may be cited as the “Arabia Mountain Her-*  
 17 *itage Area Act of 2002”.*

18 **SEC. 202. FINDINGS AND PURPOSES.**

19       (a) *FINDINGS.*—*Congress finds that—*

20               (1) *the Arabia Mountain area contains a variety*  
 21 *of natural, cultural, historical, scenic, and rec-*  
 22 *reational resources that together represent distinctive*  
 23 *aspects of the heritage of the United States that are*  
 24 *worthy of recognition, conservation, interpretation,*  
 25 *and continuing use;*

1           (2) *the best methods for managing the resources*  
2           *of the Arabia Mountain area would be through part-*  
3           *nerships between public and private entities that com-*  
4           *bine diverse resources and active communities;*

5           (3) *Davidson-Arabia Mountain Nature Preserve,*  
6           *a 535-acre park in DeKalb County, Georgia—*

7                   (A) *protects granite outcrop ecosystems,*  
8                   *wetland, and pine and oak forests; and*

9                   (B) *includes federally-protected plant spe-*  
10                  *cies;*

11           (4) *Panola Mountain, a national natural land-*  
12           *mark, located in the 860-acre Panola Mountain State*  
13           *Conservation Park, is a rare example of a pristine*  
14           *granite outcrop;*

15           (5) *The archaeological site at Miners Creek Pre-*  
16           *serve along the South River contains documented evi-*  
17           *dence of early human activity;*

18           (6) *the city of Lithonia, Georgia, and related*  
19           *sites of Arabia Mountain and Stone Mountain possess*  
20           *sites that display the history of granite mining as an*  
21           *industry and culture in Georgia, and the impact of*  
22           *that industry on the United States;*

23           (7) *the community of Klondike is eligible for des-*  
24           *ignation as a National Historic District; and*

1           (8) *the city of Lithonia has two structures listed*  
2           *on the National Register of Historic Places.*

3           (b) *PURPOSES.—The purposes of this title are—*

4                 (1) *to recognize, preserve, promote, interpret, and*  
5                 *make available for the benefit of the public the nat-*  
6                 *ural, cultural, historical, scenic, and recreational re-*  
7                 *sources in the area that includes Arabia Mountain,*  
8                 *Panola Mountain, Miners Creek, and other signifi-*  
9                 *cant sites and communities; and*

10                (2) *to assist the state of Georgia and the counties*  
11                *of DeKalb, Rockdale, and Henry in the State in de-*  
12                *veloping and implementing an integrated cultural,*  
13                *historical, and land resource management program to*  
14                *protect, enhance, and interpret the significant re-*  
15                *sources within the heritage area.*

16   **SEC. 203. DEFINITIONS.**

17           *In this title:*

18                (1) *HERITAGE AREA.—The term “heritage area”*  
19                *means the Arabia Mountain National Heritage Area*  
20                *established by section 204.*

21                (2) *MANAGEMENT ENTITY.— The term “manage-*  
22                *ment entity” means the Arabia Mountain Heritage*  
23                *Area Alliance or its successor.*



1           (3) *MANAGEMENT PLAN.*—*The term “manage-*  
 2           *ment plan” means the management plan for the her-*  
 3           *itage area developed under section 206.*

4           (4) *SECRETARY.*—*The term “Secretary” means*  
 5           *the Secretary of the Interior.*

6           (5) *STATE.*—*The term “State” means the State*  
 7           *of Georgia.*

8   **SEC. 204. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

9           (a) *ESTABLISHMENT.*—*There is established the Arabia*  
 10          *Mountain National Heritage Area in the State.*

11          (b) *BOUNDARIES.*—*The heritage area shall consist of*  
 12          *certain parcels of land in the counties of DeKalb, Rockdale,*  
 13          *and Henry in the State, as generally depicted on the map*  
 14          *entitled “The Preferred Concept” contained in the document*  
 15          *entitled “Arabia Mountain National Heritage Area Feasi-*  
 16          *bility Study”, dated February 28, 2001.*

17          (c) *AVAILABILITY OF MAP.*— *The map shall be on file*  
 18          *and available for public inspection in the appropriate of-*  
 19          *fices of the National Park Service.*

20          (d) *MANAGEMENT ENTITY.*— *The Arabia Mountain*  
 21          *Heritage Area Alliance shall be the management entity for*  
 22          *the heritage area.*

1 **SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
2 **ENTITY.**

3 (a) *AUTHORITIES.*—*For purposes of developing and*  
4 *implementing the management plan, the management enti-*  
5 *ty may—*

6 (1) *make grants to, and enter into cooperative*  
7 *agreements with, the State, political subdivisions of*  
8 *the State, and private organizations;*

9 (2) *hire and compensate staff; and*

10 (3) *enter into contracts for goods and services.*

11 (b) *DUTIES.*—

12 (1) *MANAGEMENT PLAN.*—

13 (A) *IN GENERAL.*—*The management entity*  
14 *shall develop and submit to the Secretary the*  
15 *management plan.*

16 (B) *CONSIDERATIONS.*—*In developing and*  
17 *implementing the management plan, the man-*  
18 *agement entity shall consider the interests of di-*  
19 *verse governmental, business, and nonprofit*  
20 *groups within the heritage area.*

21 (2) *PRIORITIES.*—*The management entity shall*  
22 *give priority to implementing actions described in the*  
23 *management plan, including—*

24 (A) *assisting units of government and non-*  
25 *profit organizations in preserving resources*  
26 *within the heritage area; and*

1           (B) encouraging local governments to adopt  
2           land use policies consistent with the management  
3           of the heritage area and the goals of the manage-  
4           ment plan.

5           (3) *PUBLIC MEETINGS.*—The management entity  
6           shall conduct public meetings at least quarterly on the  
7           implementation of the management plan.

8           (4) *ANNUAL REPORT.*—For any year in which  
9           Federal funds have been made available under this  
10          title, the management entity shall submit to the Sec-  
11          retary an annual report that describes—

12                (A) the accomplishments of the management  
13                entity; and

14                (B) the expenses and income of the manage-  
15                ment entity.

16          (5) *AUDIT.*—The management entity shall—

17                (A) make available to the Secretary for  
18                audit all records relating to the expenditure of  
19                Federal funds and any matching funds; and

20                (B) require, with respect to all agreements  
21                authorizing expenditure of Federal funds by  
22                other organizations, that the receiving organiza-  
23                tions make available to the Secretary for audit  
24                all records concerning the expenditure of those  
25                funds.

1       (c) *USE OF FEDERAL FUNDS.*—

2           (1) *IN GENERAL.*—*The management entity shall*  
 3       *not use Federal funds made available under this title*  
 4       *to acquire real property or an interest in real prop-*  
 5       *erty.*

6           (2) *OTHER SOURCES.*—*Nothing in this title pre-*  
 7       *cludes the management entity from using Federal*  
 8       *funds made available under other Federal laws for*  
 9       *any purpose for which the funds are authorized to be*  
 10      *used.*

11   **SEC. 206. MANAGEMENT PLAN.**

12       (a) *IN GENERAL.*—*The management entity shall de-*  
 13      *velop a management plan for the heritage area that incor-*  
 14      *porates an integrated and cooperative approach to protect,*  
 15      *interpret, and enhance the natural, cultural, historical, sce-*  
 16      *nic, and recreational resources of the heritage area.*

17       (b) *BASIS.*—*The management plan shall be based on*  
 18      *the preferred concept in the document entitled “Arab Moun-*  
 19      *tain National Heritage Area Feasibility Study”, dated Feb-*  
 20      *ruary 28, 2001.*

21       (c) *CONSIDERATION OF OTHER PLANS AND AC-*  
 22      *TIONS.*—*The management plan shall—*

23           (1) *take into consideration State and local plans;*  
 24      *and*

1           (2) *involve residents, public agencies, and pri-*  
2           *vate organizations in the heritage area.*

3           (d) *REQUIREMENTS.—The management plan shall in-*  
4           *clude—*

5                 (1) *an inventory of the resources in the heritage*  
6           *area, including—*

7                     (A) *a list of property in the heritage area*  
8           *that—*

9                         (i) *relates to the purposes of the herit-*  
10           *age area; and*

11                        (ii) *should be preserved, restored, man-*  
12           *aged, or maintained because of the signifi-*  
13           *cance of the property; and*

14                     (B) *an assessment of cultural landscapes*  
15           *within the heritage area;*

16                 (2) *provisions for the protection, interpretation,*  
17           *and enjoyment of the resources of the heritage area*  
18           *consistent with the purposes of this title;*

19                 (3) *an interpretation plan for the heritage area;*

20                 (4) *a program for implementation of the man-*  
21           *agement plan that includes—*

22                     (A) *actions to be carried out by units of*  
23           *government, private organizations, and public-*  
24           *private partnerships to protect the resources of*  
25           *the heritage area; and*

1                   (B) the identification of existing and poten-  
 2                   tial sources of funding for implementing the  
 3                   plan; and

4                   (5) a description and evaluation of the manage-  
 5                   ment entity, including the membership and organiza-  
 6                   tional structure of the management entity.

7                   (e) *SUBMISSION TO SECRETARY FOR APPROVAL.*—

8                   (1) *IN GENERAL.*—Not later than 3 years after  
 9                   the date of enactment of this title, the management  
 10                  entity shall submit the management plan to the Sec-  
 11                  retary for approval.

12                  (2) *EFFECT OF FAILURE TO SUBMIT.*—If a man-  
 13                  agement plan is not submitted to the Secretary by the  
 14                  date specified in paragraph (1), the Secretary shall  
 15                  not provide any additional funding under this title  
 16                  until such date as a management plan for the herit-  
 17                  age area is submitted to the Secretary.

18                  (f) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
 19                  *PLAN.*—

20                  (1) *IN GENERAL.*—Not later than 90 days after  
 21                  receiving the management plan submitted under sub-  
 22                  section (e), the Secretary, in consultation with the  
 23                  State, shall approve or disapprove the management  
 24                  plan.

25                  (2) *ACTION FOLLOWING DISAPPROVAL.*—

1           (A) *REVISION.*—If the Secretary dis-  
 2           approves a management plan submitted under  
 3           paragraph (1), the Secretary shall—

4                   (i) advise the management entity in  
 5                   writing of the reasons for the disapproval;

6                   (ii) make recommendations for revi-  
 7                   sions to the management plan; and

8                   (iii) allow the management entity to  
 9                   submit to the Secretary revisions to the  
 10                  management plan.

11           (B) *DEADLINE FOR APPROVAL OF RE-*  
 12           *VISION.*—Not later than 90 days after the date  
 13           on which a revision is submitted under subpara-  
 14           graph (A)(iii), the Secretary shall approve or  
 15           disapprove the revision.

16           (g) *REVISION OF MANAGEMENT PLAN.*—

17                   (1) *IN GENERAL.*—After approval by the Sec-  
 18                   retary of a management plan, the management entity  
 19                   shall periodically—

20                           (A) review the management plan; and

21                           (B) submit to the Secretary, for review and  
 22                   approval by the Secretary, the recommendations  
 23                   of the management entity for any revisions to  
 24                   the management plan that the management enti-  
 25                   ty considers to be appropriate.

1           (2) *EXPENDITURE OF FUNDS.*—No funds made  
 2           available under this title shall be used to implement  
 3           any revision proposed by the management entity  
 4           under paragraph (1)(B) until the Secretary approves  
 5           the revision.

6 **SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE.**

7           (a) *IN GENERAL.*—At the request of the management  
 8           entity, the Secretary may provide technical and financial  
 9           assistance to the heritage area to develop and implement  
 10          the management plan.

11          (b) *PRIORITY.*—In providing assistance under sub-  
 12          section (a), the Secretary shall give priority to actions that  
 13          facilitate—

14               (1) *the conservation of the significant natural,*  
 15               *cultural, historical, scenic, and recreational resources*  
 16               *that support the purposes of the heritage area; and*

17               (2) *the provision of educational, interpretive,*  
 18               *and recreational opportunities that are consistent*  
 19               *with the resources and associated values of the herit-*  
 20               *age area.*

21 **SEC. 208. EFFECT ON CERTAIN AUTHORITY.**

22          (a) *OCCUPATIONAL, SAFETY, CONSERVATION, AND EN-*  
 23          *VIRONMENTAL REGULATION.*—Nothing in this title—

24               (1) *imposes an occupational, safety, conserva-*  
 25               *tion, or environmental regulation on the heritage area*



1       *that is more stringent than the regulations that would*  
2       *be applicable to the land described in section 204(b)*  
3       *but for the establishment of the heritage area by sec-*  
4       *tion 204; or*

5               *(2) authorizes a Federal agency to promulgate*  
6       *an occupational, safety, conservation, or environ-*  
7       *mental regulation for the heritage area that is more*  
8       *stringent than the regulations applicable to the land*  
9       *described in section 204(b) as of the date of enactment*  
10       *of this title, solely as a result of the establishment of*  
11       *the heritage area by section 204.*

12       ***(b) LAND USE REGULATION.—Nothing in this title—***

13               *(1) modifies, enlarges, or diminishes any author-*  
14       *ity of the Federal Government or a State or local gov-*  
15       *ernment to regulate any use of land as provided for*  
16       *by law (including regulations) in existence on the*  
17       *date of enactment of this title; or*

18               *(2) grants powers of zoning or land use to the*  
19       *management entity.*

20       ***SEC. 209. AUTHORIZATION OF APPROPRIATIONS.***

21               ***(a) IN GENERAL.—****There are authorized to be appro-*  
22       *priated to carry out this title \$10,000,000, of which not*  
23       *more than \$1,000,000 may be authorized to be appropriated*  
24       *for any fiscal year.*

1       (b) *COST-SHARING REQUIREMENT.*—*The Federal*  
 2 *share of the total cost of any activity assisted under this*  
 3 *title shall be not more than 50 percent.*

4 **SEC. 210. TERMINATION OF AUTHORITY.**

5       *The authority of the Secretary to provide assistance*  
 6 *under this title terminates on the date that is 15 years after*  
 7 *the date of enactment of this title.*

8       **TITLE III—FREEDOM’S WAY**  
 9       **NATIONAL HERITAGE AREA**

10 **SEC. 301. SHORT TITLE.**

11       *This title may be cited as the “Freedom’s Way Na-*  
 12 *tional Heritage Area Act”.*

13 **SEC. 302. FINDINGS AND PURPOSES.**

14       (a) *FINDINGS.*—*Congress finds that—*

15               (1) *the cultural and natural legacies of an area*  
 16 *encompassing 36 communities in Massachusetts and 6*  
 17 *communities in New Hampshire have made impor-*  
 18 *tant and distinctive contributions to the national*  
 19 *character of America;*

20               (2) *recognizing and protecting those legacies will*  
 21 *help sustain the quality of life in the future;*

22               (3) *significant legacies of the area include—*

23                       (A) *the early settlement of the United States*  
 24 *and the early evolution of democratic forms of*  
 25 *government;*

1           (B) the development of intellectual tradi-  
2           tions of the philosophies of freedom, democracy,  
3           and conservation;

4           (C) the evolution of social ideas and reli-  
5           gious freedom;

6           (D) the role of immigrants and industry in  
7           contributing to ethnic diversity;

8           (E) Native American and African Amer-  
9           ican resources; and

10          (F) the role of innovation and invention in  
11          cottage industries;

12          (4) the communities in the area know the value  
13          of the legacies but need a cooperative framework and  
14          technical assistance to achieve important goals by  
15          working together;

16          (5) there is a Federal interest in supporting the  
17          development of a regional framework to assist the  
18          States, local governments, local organizations, and  
19          other persons in the region with conserving, pro-  
20          tecting, and bringing recognition to the heritage of the  
21          area for the educational and recreation benefit of fu-  
22          ture generations of Americans;

23          (6) significant examples of the area's resources  
24          include—

1                   (A) *Walden Pond State Reservation in Con-*  
2                   *cord, Massachusetts;*

3                   (B) *Minute Man National Historical Park*  
4                   *in the State of Massachusetts;*

5                   (C) *Shaker Villages in Shirley and Harvard*  
6                   *in the State of Massachusetts;*

7                   (D) *Wachusett Mountain State Reservation,*  
8                   *Fitchburg Art Museum, and Barrett House in*  
9                   *New Ipswich, New Hampshire; and*

10                  (E) *Beaver Brook Farms and Lost City of*  
11                  *Monson in Hollis, New Hampshire;*

12                  (7) *the study entitled “Freedom’s Way Heritage*  
13                  *Area Feasibility Study”, prepared by the Freedom’s*  
14                  *Way Heritage Association, Inc., and the Massachu-*  
15                  *setts Department of Environmental Management,*  
16                  *demonstrates that there are sufficient nationally dis-*  
17                  *tinctive historical resources necessary to establish the*  
18                  *Freedom’s Way National Heritage Area; and*

19                  (8) *the Freedom’s Way Heritage Association,*  
20                  *Inc., should oversee the development of the Freedom’s*  
21                  *Way National Heritage Area.*

22                  (b) *PURPOSES.—The purposes of this Act are—*

23                         (1) *to foster a close working relationship between*  
24                         *the Secretary and all levels of government, the private*

1       sector, and local communities in the States of Massa-  
2       chusetts and New Hampshire;

3               (2) to assist the entities referred to in paragraph  
4       (1) in preserving the special historic identity of the  
5       Heritage Area; and

6               (3) to manage, preserve, protect, and interpret  
7       the cultural, historical, and natural resources of the  
8       Heritage Area for the educational and inspirational  
9       benefit of future generations.

10   **SEC. 303. DEFINITIONS.**

11       *In this Act:*

12               (1) *HERITAGE AREA.*—The term “Heritage  
13       Area” means the Freedom’s Way National Heritage  
14       Area established by section 304(a).

15               (2) *MANAGEMENT ENTITY.*—The term “manage-  
16       ment entity” means the management entity for the  
17       Heritage Area designated by section 304(d).

18               (3) *MANAGEMENT PLAN.*—The term “manage-  
19       ment plan” means the management plan for the Her-  
20       itage Area developed under section 305.

21               (4) *MAP.*—The term “Map” means the map enti-  
22       tled “Freedom’s Way National Heritage Area”, num-  
23       bered FRWA P-75/80,000 and dated July 2002.

24               (5) *SECRETARY.*—The term “Secretary” means  
25       the Secretary of the Interior.

1 **SEC. 304. FREEDOM'S WAY NATIONAL HERITAGE AREA.**

2 (a) *ESTABLISHMENT.*—*There is established the Free-*  
 3 *dom's Way National Heritage Area in the States of Massa-*  
 4 *chusetts and New Hampshire.*

5 (b) *BOUNDARIES.*—

6 (1) *IN GENERAL.*—*The Heritage Area shall con-*  
 7 *sist of the land within the boundaries of the Heritage*  
 8 *Area, as depicted on the Map.*

9 (2) *REVISION.*—*The boundaries of the Heritage*  
 10 *Area may be revised if the revision is—*

11 (A) *proposed in the management plan;*

12 (B) *approved by the Secretary in accord-*  
 13 *ance with section 305(c); and*

14 (C) *placed on file in accordance with sub-*  
 15 *section (c).*

16 (c) *MAP AND LEGAL DESCRIPTION.*—

17 (1) *IN GENERAL.*—*As soon as practicable after*  
 18 *the date of enactment of this Act, the Secretary shall*  
 19 *publish in the Federal Register a legal description of*  
 20 *the Heritage Area.*

21 (2) *AVAILABILITY.*—*The Map shall be on file and*  
 22 *available for public inspection in the appropriate of-*  
 23 *fices of the National Park Service.*

24 (d) *MANAGEMENT ENTITY.*—*The Freedom's Way Her-*  
 25 *itage Association, Inc., shall serve as the management entity*  
 26 *for the Heritage Area.*

1 **SEC. 305. MANAGEMENT PLAN.**

2       (A) *IN GENERAL.*—Not later than 3 years after the  
3 date of enactment of this Act, the management entity shall  
4 develop and submit to the Secretary for approval a manage-  
5 ment plan for the Heritage Area that presents comprehen-  
6 sive recommendations and strategies for the conservation,  
7 funding, management, and development of the Heritage  
8 Area.

9       (b) *REQUIREMENTS.*—The management plan shall—

10           (1) take into consideration and coordinate Fed-  
11 eral, State, and local plans to present a unified his-  
12 toric preservation and interpretation plan;

13           (2) involve residents, public agencies, and pri-  
14 vate organizations in the Heritage Area;

15           (3) describe actions that units of government and  
16 private organizations recommend for the protection of  
17 the resources of the Heritage Area;

18           (4) identify existing and potential sources of  
19 Federal and non-Federal funding for the conservation,  
20 management, and development of the Heritage Area;  
21 and

22           (5) include—

23               (A) an inventory of the cultural, historic,  
24 natural, or recreational resources contained in  
25 the Heritage Area, including a list of property  
26 that—

1                   (i) is related to the themes of the Herit-  
2                   age Area; and

3                   (ii) should be conserved, restored, man-  
4                   aged, developed, or maintained;

5                   (B) a recommendation of policies for re-  
6                   source management and protection that—

7                   (i) apply appropriate land and water  
8                   management techniques;

9                   (ii) develop intergovernmental coopera-  
10                  tive agreements to manage and protect the  
11                  cultural, historic, and natural resources and  
12                  recreation opportunities of the Heritage  
13                  Area; and

14                  (iii) support economic revitalization  
15                  efforts;

16                  (C) a program of strategies and actions to  
17                  implement the management plan that—

18                  (i) identifies the roles of agencies and  
19                  organizations that are involved in the im-  
20                  plementation of the management plan and  
21                  the role of the management entity;

22                  (ii) includes—

23                         (I) restoration and construction  
24                         plans or goals;



1                   (II) a program of public involve-  
2                   ment;

3                   (III) annual work plans; and

4                   (IV) annual reports;

5                   (D) an analysis of ways in which Federal,  
6                   State, and local programs may best be coordi-  
7                   nated to promote the purposes of this title;

8                   (E) an interpretive and educational plan  
9                   for the Heritage Area;

10                  (F) any revisions proposed by the manage-  
11                  ment entity to the boundaries of the Heritage  
12                  Area and requested by the affected local govern-  
13                  ment; and

14                  (G) a process to provide public access to the  
15                  management entity for the purpose of attempting  
16                  to resolve informally any disputes arising from  
17                  the management plan.

18                  (c) *FAILURE TO SUBMIT*.—If the management entity  
19                  fails to submit the management plan to the Secretary in  
20                  accordance with subsection (a), the Heritage Area shall no  
21                  longer qualify for Federal funding.

22                  (d) *APPROVAL OR DISAPPROVAL OF MANAGEMENT*  
23                  *PLAN*.—

24                   (1) *IN GENERAL*.—Not later than 90 days after  
25                  receipt of the management plan under subsection (a),

1        *the Secretary shall approve or disapprove the man-*  
2        *agement plan.*

3            (2) *CRITERIA.—In determining whether to ap-*  
4        *prove the management plan, the Secretary shall con-*  
5        *sider whether—*

6            (A) *the management entity afforded ade-*  
7        *quate opportunity, including public hearings, for*  
8        *public and governmental involvement in the*  
9        *preparation of the management plan;*

10          (B) *the resource protection and interpreta-*  
11        *tion strategies contained in the management*  
12        *plan would adequately protect the cultural and*  
13        *historic resources of the Heritage Area; and*

14          (C) *the Secretary has received adequate as-*  
15        *surances from the appropriate State and local*  
16        *officials whose support is needed to ensure the ef-*  
17        *fective implementation of the State and local as-*  
18        *pects of the management plan.*

19          (3) *ACTION FOLLOWING DISAPPROVAL.—If the*  
20        *Secretary disapproves the management plan under*  
21        *paragraph (1), the Secretary shall—*

22          (A) *advise the management entity in writ-*  
23        *ing of the reasons for the disapproval;*

24          (B) *make recommendations for revisions to*  
25        *the management plan; and*

1                   (C) not later than 60 days after the receipt  
 2                   of any proposed revision of the management  
 3                   plan from the management entity, approve or  
 4                   disapprove the proposed revision.

5           (e) *AMENDMENTS.*—

6                   (1) *IN GENERAL.*—In accordance with subsection  
 7                   (b), the Secretary shall approve or disapprove each  
 8                   amendment to the management plan that the Sec-  
 9                   retary determines may make a substantial change to  
 10                  the management plan.

11                  (2) *USE OF FUNDS.*—Funds made available  
 12                  under this title shall not be expended by the manage-  
 13                  ment entity to implement an amendment described in  
 14                  paragraph (1) until the Secretary approves the  
 15                  amendment.

16 **SEC. 306. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
 17 **ENTITY.**

18           (a) *AUTHORITIES.*—The Management Entity may, for  
 19           purposes of preparing and implementing the management  
 20           plan, use funds made available under this title to—

21                   (1) make grants to, and enter into cooperative  
 22                   agreements with, the States of Massachusetts and New  
 23                   Hampshire (including a political subdivision thereof),  
 24                   a nonprofit organizations, or any person;

25                   (2) hire and compensate staff;

1           (3) obtain funds from any source (including a  
2           program that has a cost-sharing requirement); and

3           (4) contract for goods and services.

4           (b) *DUTIES OF THE MANAGEMENT ENTITY.*—In addi-  
5           tion to developing the management plan, the management  
6           entity shall—

7           (1) give priority to the implementation of ac-  
8           tions, goals, and strategies set forth in the manage-  
9           ment plan, including assisting units of government  
10          and other persons in—

11                 (A) carrying out the programs that recog-  
12                 nize and protect important resource values in the  
13                 Heritage Area;

14                 (B) encouraging economic viability in the  
15                 Heritage Area in accordance with the goals of  
16                 the management plan;

17                 (C) establishing and maintaining interpre-  
18                 tive exhibits in the Heritage Area;

19                 (D) developing recreational and educational  
20                 opportunities in the Heritage Area;

21                 (E) increasing public awareness of and ap-  
22                 preciation for the cultural, historical, and nat-  
23                 ural resources of the Heritage Area;

1           (F) restoring historic buildings that are lo-  
2 cated in the Heritage Area and relate to the  
3 themes of the Heritage Area; and

4           (G) installing throughout the Heritage Area  
5 clear, consistent, and appropriate signs identi-  
6 fying public access points and sites of interest;

7       (2) prepare and implement the management  
8 plan while considering the interests of diverse units of  
9 government, businesses, private property owners, and  
10 nonprofit groups within the Heritage Area;

11       (3) conduct public meetings at least quarterly re-  
12 garding the development and implementation of the  
13 management plan;

14       (4) for any fiscal year for which Federal funds  
15 are received under this title—

16           (A) submit to the Secretary a report that  
17 describes, for the year—

18               (i) the accomplishments of the manage-  
19 ment entity;

20               (ii) the expenses and income of the  
21 management entity; and

22               (iii) each entity to which a grant was  
23 made;

24       (B) make available for audit by Congress,  
25 the Secretary, and appropriate units of govern-

1           *ments, all records pertaining to the expenditure*  
 2           *of the funds and any matching funds; and*

3           *(C) require, for all agreements authorizing*  
 4           *expenditure of Federal funds by any entity, that*  
 5           *the receiving entity make available for audit all*  
 6           *records pertaining to the expenditure of the*  
 7           *funds.*

8           *(c) PROHIBITION ON THE ACQUISITION OF REAL*  
 9           *PROPERTY.—*

10           *(1) FEDERAL FUNDS.—The management entity*  
 11           *shall not use Federal funds made available under this*  
 12           *title to acquire real property or any interest in real*  
 13           *property.*

14           *(2) OTHER FUNDS.—Notwithstanding paragraph*  
 15           *(1), the management entity may acquire real prop-*  
 16           *erty or an interest in real property using non-Federal*  
 17           *funds.*

18           **SEC. 307. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
 19           **FEDERAL AGENCIES.**

20           *(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

21           *(1) IN GENERAL.—On the request of the manage-*  
 22           *ment entity, the Secretary may provide technical and*  
 23           *financial assistance for the development and imple-*  
 24           *mentation of the management plan.*

1           (2) *PRIORITY FOR ASSISTANCE.*—*In providing*  
 2           *assistance under paragraph (1), the Secretary shall*  
 3           *give priority to actions that assist in—*

4                   (A) *conserving the significant cultural, his-*  
 5                   *toric, and natural resources of the Heritage*  
 6                   *Area; and*

7                   (B) *providing educational, interpretive, and*  
 8                   *recreational opportunities consistent with the*  
 9                   *purposes of the Heritage Area.*

10          (3) *SPENDING ON NON-FEDERAL PROPERTY.*—  
 11          *The management entity may expend Federal funds*  
 12          *made available under this title on nonfederally owned*  
 13          *property that is—*

14                   (A) *identified in the management plan; or*

15                   (B) *listed or eligible for listing on the Na-*  
 16                   *tional Register of Historic Places.*

17          (4) *OTHER ASSISTANCE.*—*The Secretary may*  
 18          *enter into cooperative agreements with public and*  
 19          *private organizations to carry out this subsection.*

20          (b) *OTHER FEDERAL AGENCIES.*—*Any Federal entity*  
 21          *conducting or supporting an activity that directly affects*  
 22          *the Heritage Area shall—*

23                   (1) *consider the potential effect of the activity on*  
 24                   *the purposes of the Heritage Area and the manage-*  
 25                   *ment plan;*

1           (2) *consult with the management entity regard-*  
 2           *ing the activity; and*

3           (3) *to the maximum extent practicable, conduct*  
 4           *or support the activity to avoid adverse effects on the*  
 5           *Heritage Area.*

6 **SEC. 308. LAND USE REGULATION; APPLICABILITY OF FED-**  
 7           **ERAL LAW.**

8           (a) *LAND USE REGULATION.—*

9           (1) *IN GENERAL.—The management entity shall*  
 10          *provide assistance and encouragement to State and*  
 11          *local governments, private organizations, and persons*  
 12          *to protect and promote the resources and values of the*  
 13          *Heritage Area.*

14          (2) *EFFECT.—Nothing in this title—*

15               (A) *Affects the authority of the State or*  
 16               *local governments to regulate under law any use*  
 17               *of land; or*

18               (B) *grants any power of zoning or land use*  
 19               *to the management entity.*

20          (b) *PRIVATE PROPERTY.—*

21          (1) *IN GENERAL.—The management entity shall*  
 22          *be an advocate for land management practices con-*  
 23          *sistent with the purposes of the Heritage Area.*

24          (2) *EFFECT.—Nothing in this title—*



1                   (A) abridges the rights of any person with  
2                   regard to private property;

3                   (B) affects the authority of the State or  
4                   local government regarding private property; or

5                   (C) imposes any additional burden on any  
6                   property owner.

7   **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

8           (a) *IN GENERAL.*—There is authorized to be appro-  
9           priated to carry out this title 10,000,000, of which not more  
10          than \$1,000,0900 may be authorized to be appropriate for  
11          any fiscal year.

12          (b) *COST-SHARING REQUIREMENT.*—The Federal  
13          share of the total cost of any activity assisted under this  
14          title shall be not more than 50 percent.

15   **SEC. 310. TERMINATION OF AUTHORITY.**

16          The authority of the Secretary to provide assistance  
17          under this title terminates on the date that is 15 years after  
18          the date of enactment of this Act.

19                   **TITLE IV—GREAT BASIN**  
20                   **NATIONAL HERITAGE AREA**

21   **SEC. 401. SHORT TITLE.**

22          This title may be cited as the “Great Basin National  
23          Heritage Area Act of 2002.”

24   **SEC. 402. FINDINGS AND PURPOSES.**

25          (a) *FINDINGS.*—Congress finds that—

1           (1) *the natural, cultural, and historic heritage of*  
2           *the North American Great Basin is nationally sig-*  
3           *nificant;*

4           (2) *communities in the Great Basin Heritage*  
5           *Area (including the towns of Delta, Utah, Ely, Ne-*  
6           *vada, and the surrounding communities) are located*  
7           *in a classic western landscape that contains long nat-*  
8           *ural visits, isolated higher desert valleys, mountain*  
9           *ranges, ranches, mines, historic railroads, archae-*  
10          *ological sites, and tribal communities;*

11          (3) *the Native American, pioneer, ranching,*  
12          *mining, timber, and railroad heritages in the Great*  
13          *Basin Heritage Area include the social history and*  
14          *living cultural traditions of a rich diversity of na-*  
15          *tionalities;*

16          (4) *the pioneer, Mormon and other religious set-*  
17          *tlements, ranching, timber, and mining activities of*  
18          *the region played and continue to play a significant*  
19          *role in the development of the United States, shaped*  
20          *by—*

21                (A) *the unique geography of the Great*  
22                *Basin;*

23                (B) *an influx of people of Greek, Chinese,*  
24                *Basque, Serb, Croat, Italian, and Hispanic de-*  
25                *scend; and*

1                   (C) a Native American presence (Western  
2                   Shoshone, Northern and Southern Paiute, and  
3                   Goshute) that continues in the Great Basin  
4                   today;

5                   (5) the Great Basin housed internment camps  
6                   for Japanese-American citizens during World War II,  
7                   one of which, Topaz, was located within the Heritage  
8                   Area;

9                   (6) the pioneer heritage of the Heritage Area in-  
10                  cludes the Pony Express route and stations, the Over-  
11                  land Stage, and many examples of 19th century ex-  
12                  ploration of the western United States;

13                  (7) the Native American heritage of the Heritage  
14                  Area dates back thousands of years and includes—

15                         (A) archaeological sites;

16                         (B) petroglyphs and pictographs;

17                         (C) the westernmost village of the Fremont  
18                         culture; and

19                         (D) communities of Western Shoshone, Pai-  
20                         ute, and Goshute tribes;

21                   (8) the Heritage Area contains multiple bio-  
22                   logically diverse ecological communities that are home  
23                   to exceptional species such as—

24                         (A) bristlecone pines, the oldest living trees  
25                         in the world;

1                   (B) wildlife adapted to harsh desert condi-  
2                   tions;

3                   (C) unique plant communities, lakes, and  
4                   streams; and

5                   (D) native Bonneville cutthroat trout;

6                   (9) the air and water quality of the Heritage  
7                   Area is among the best in the United States, and the  
8                   clear air permits outstanding viewing of the night  
9                   skies;

10                  (10) the Heritage Area includes unique and out-  
11                  standing geologic features such as numerous limestone  
12                  caves, classic basin and range topography with playa  
13                  lakes, alluvial fans, volcanics, cold and hot springs,  
14                  and recognizable features of ancient Lake Bonneville;

15                  (11) the Heritage Area includes an unusual va-  
16                  riety of open space and recreational and educational  
17                  opportunities because of the great quantity of ranch-  
18                  ing activity and public land (including city, county,  
19                  and State parks, national forests, Bureau of Land  
20                  Management land, and a national park);

21                  (12) there are significant archaeological, histor-  
22                  ical, cultural, natural, scenic, and recreational re-  
23                  sources in the Great Basin to merit the involvement  
24                  of the Federal Government in the development, in co-  
25                  operation with the Great Basin Heritage Area Part-

nership and other local and governmental entities, of  
programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Area Partnership shall serve as the management entity for a Heritage Area established in the Great Basin.

(b) *PURPOSES.*—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as

1       of the date of enactment of this title, without man-  
 2       aging or regulating land use.

3   **SEC. 403. DEFINITIONS.**

4       *In this title:*

5           (1) *GREAT BASIN.*—The term “Great Basin”  
 6       means the North American Great Basin.

7           (2) *HERITAGE AREA.*—The term “Heritage  
 8       Area” means the Great Basin National Heritage Area  
 9       established by section 404(a).

10          (3) *MANAGEMENT ENTITY.*—The term “manage-  
 11       ment entity” means the Great Basin Heritage Area  
 12       Partnership established by section 404(c).

13          (4) *MANAGEMENT PLAN.*—The term “manage-  
 14       ment plan” means the plan developed by the manage-  
 15       ment entity under section 406(a).

16          (5) *SECRETARY.*—The term “Secretary” means  
 17       the Secretary of the Interior.

18   **SEC. 404. GREAT BASIN NATIONAL HERITAGE AREA.**

19          (a) *ESTABLISHMENT.*—There is established the Great  
 20       Basin National Heritage Area.

21          (b) *COMPOSITION.*—The Heritage Area shall include  
 22       historical, cultural, natural, scenic, and recreational re-  
 23       sources within White Pine County, Nevada, Millard Coun-  
 24       ty, Utah, and the Duckwater Shoshone Reservation in Nye  
 25       County, Nevada. The boundaries of the Heritage Area shall

1 *be specified in detail in the management plan developed*  
 2 *in section 406.*

3 *(c) MANAGEMENT ENTITY.—*

4 *(1) IN GENERAL.—The Great Basin Heritage*  
 5 *Area Partnership shall serve as the management enti-*  
 6 *ty for the Heritage Area.*

7 *(2) BOARD OF DIRECTORS.—The Great Basin*  
 8 *Heritage Area Partnership shall be governed by a*  
 9 *board of directors that consists of—*

10 *(A) 4 members who are appointed by the*  
 11 *Board of County Commissioners for Millard*  
 12 *County, Utah;*

13 *(B) 4 members who are appointed by the*  
 14 *Board of County Commissioners for White Pine*  
 15 *County, Nevada; and*

16 *(C) a representative appointed by each Na-*  
 17 *tive American Tribe participating in the Herit-*  
 18 *age Area.*

19 **SEC. 405. MEMORANDUM OF UNDERSTANDING.**

20 *(a) IN GENERAL.—In carrying out this title, the Sec-*  
 21 *retary, in consultation with the Governors of the States of*  
 22 *Nevada and Utah, and each tribe participating in the Her-*  
 23 *itage Area, shall enter into a memorandum of under-*  
 24 *standing with the management entity.*

1       (b) *INCLUSIONS.*—*The memorandum of understanding*  
 2 *shall include information relating to the objectives and*  
 3 *management of the Heritage Area, including—*

4           (1) *a description of the resources within the Her-*  
 5 *itage Area;*

6           (2) *a discussion of the goals and objectives of the*  
 7 *Heritage Area, including—*

8               (A) *an explanation of the proposed ap-*  
 9 *proach to conservation, development, and inter-*  
 10 *pretation; and*

11               (B) *a general outline of the anticipated pro-*  
 12 *tection and development measures;*

13           (3) *a description of the management entity;*

14           (4) *a list and statement of the financial commit-*  
 15 *ment of the initial partners to be involved in devel-*  
 16 *oping and implementing the management plan; and*

17           (5) *a description of the role of the States of Ne-*  
 18 *vada and Utah in the management of the Heritage*  
 19 *Area.*

20       (c) *ADDITIONAL REQUIREMENTS.*—*In developing the*  
 21 *terms of the memorandum of understanding, the Secretary*  
 22 *and the management entity shall—*

23           (1) *provide opportunities for local participation;*  
 24 *and*



1           (2) *include terms that ensure, to the maximum*  
 2           *extent practicable, timely implementation of all as-*  
 3           *pects of the memorandum of understanding.*

4           (d) *AMENDMENTS.—*

5           (1) *IN GENERAL.—The Secretary shall review*  
 6           *any amendments of the memorandum of under-*  
 7           *standing proposed by the management entity or the*  
 8           *Governor of the State of Nevada or Utah.*

9           (2) *USE OF FUNDS.—Funds made available*  
 10          *under this title shall not be expended to implement a*  
 11          *change made by a proposed amendment described in*  
 12          *paragraph (1) until the Secretary approves the*  
 13          *amendment.*

14       **SEC. 406. MANAGEMENT PLAN.**

15          (a) *IN GENERAL.—Not later than 3 years after the*  
 16          *date of enactment of this title, the management entity shall*  
 17          *develop and submit to the Secretary for approval a manage-*  
 18          *ment plan for the Heritage Area that presents clear and*  
 19          *comprehensive recommendations for the conservation, fund-*  
 20          *ing, management, and development of the Heritage Area.*

21          (b) *CONSIDERATIONS.—In developing the management*  
 22          *plan, the management entity shall—*

23               (1) *provide for the participation of local resi-*  
 24               *dents, public agencies, and private organizations lo-*  
 25               *cated within the counties of Millard County, Utah,*

1     *White Pine County, Nevada, and the Duckwater Sho-*  
2     *shone Reservation in the protection and development*  
3     *of resources of the Heritage Area, taking into consid-*  
4     *eration State, tribal, county, and local land use plans*  
5     *in existence on the date of enactment of this title;*

6             *(2) identify sources of funding; and*

7             *(3) include—*

8                 *(A) an inventory of the archaeological, his-*  
9                 *torical, cultural, natural, scenic, and rec-*  
10                *reational resources contained in the Heritage*  
11                *Area, including a list of public and tribal prop-*  
12                *erty that—*

13                     *(i) is related to the themes of the Herit-*  
14                     *age Area; and*

15                     *(ii) should be preserved, restored, man-*  
16                     *aged, developed, or maintained because of*  
17                     *the archaeological, historical, cultural, nat-*  
18                     *ural, scenic, and recreational significance of*  
19                     *the property;*

20                 *(B) a program for implementation of the*  
21                 *management plan by the management entity, in-*  
22                 *cluding—*

23                     *(i) plans for restoration, stabilization,*  
24                     *rehabilitation, and construction of public or*  
25                     *tribal property; and*

1                   (ii) specific commitments by the iden-  
 2                   tified partners referred to in section  
 3                   405(b)(4) for the first 5 years of operation;  
 4                   and

5                   (C) an interpretation plan for the Heritage  
 6                   Area; and

7                   (4) develop a management plan that will not in-  
 8                   fringe on private property rights without the consent  
 9                   of the owner of the private property.

10           (c) *FAILURE TO SUBMIT*.—If the management entity  
 11           fails to submit a management plan to the Secretary in ac-  
 12           cordance with subsection (a), the Heritage Area shall no  
 13           longer qualify for Federal funding.

14           (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
 15           *PLAN*.—

16                   (1) *IN GENERAL*.—Not later than 90 days after  
 17                   receipt of a management plan under subsection (a),  
 18                   the Secretary, in consultation with the Governors of  
 19                   the States of Nevada and Utah, shall approve or dis-  
 20                   approve the management plan.

21                   (2) *CRITERIA*.—In determining whether to ap-  
 22                   prove a management plan, the Secretary shall con-  
 23                   sider whether the management plan—

24                               (A) has strong local support from a diver-  
 25                               sity of landowners, business interests, nonprofit

1           *organizations, and governments within the Her-*  
2           *itage Area;*

3           *(B) is consistent with an complements con-*  
4           *tinued economic activity in the Heritage Area;*

5           *(C) has a high potential for effective part-*  
6           *nership mechanisms;*

7           *(D) infringes on private property rights;*  
8           *and*

9           *(E) provides methods to take appropriate*  
10          *action to ensure that private property rights are*  
11          *observed.*

12          (3) *ACTION FOLLOWING DISAPPROVAL.—If the*  
13          *Secretary disapproves a management plan under sub-*  
14          *section (d)(1), the Secretary shall—*

15                *(A) advise the management entity in writ-*  
16                *ing of the reasons for the disapproval;*

17                *(B) make recommendations for revisions to*  
18                *the management plan; and*

19                *(C) not later than 90 days after the receipt*  
20                *of any proposed revision of the management*  
21                *plan from the management entity, approve or*  
22                *disapprove the proposed revision.*

23          (e) *IMPLEMENTATION.—On approval of the manage-*  
24          *ment plan as provided in section 406(d)(1), the manage-*

1 *ment entity, in conjunction with the Secretary, shall take*  
 2 *appropriate steps to implement the management plan.*

3 *(f) AMENDMENTS.—*

4 *(1) IN GENERAL.—The Secretary shall review*  
 5 *each amendment to the management plan that the*  
 6 *Secretary determines may make a substantial change*  
 7 *to the management plan.*

8 *(2) USE OF FUNDS.—Funds made available*  
 9 *under this title shall not be expended to implement an*  
 10 *amendment described in paragraph (1) until the Sec-*  
 11 *retary approves the amendment.*

12 **SEC. 407. AUTHORITY AND DUTIES OF MANAGEMENT**  
 13 **ENTITY.**

14 *(a) AUTHORITIES.—The management entity may, for*  
 15 *purposes of preparing and implementing the management*  
 16 *plan, use funds made available under this title to—*

17 *(1) make grants to, and enter into cooperative*  
 18 *agreements with, a State (including a political sub-*  
 19 *division), a tribe, a private organization, or any per-*  
 20 *son; and*

21 *(2) hire and compensate staff.*

22 *(b) DUTIES.—In addition to developing the manage-*  
 23 *ment plan, the management entity shall—*

1           (1) *give priority to implementing the memo-*  
2           *randum of understanding and the management plan,*  
3           *including taking steps to—*

4                   (A) *assist units of government, regional*  
5                   *planning organizations, and nonprofit organiza-*  
6                   *tions in—*

7                           (i) *establishing and maintaining inter-*  
8                           *pretive exhibits in the Heritage Area;*

9                           (ii) *developing recreational resources*  
10                          *in the Heritage Area;*

11                          (iii) *increasing public awareness of*  
12                          *and appreciation for the archaeological, his-*  
13                          *torical, cultural, natural, scenic, and rec-*  
14                          *reational resources and sites in the Heritage*  
15                          *Area; and*

16                          (iv) *if requested by the owner, restor-*  
17                          *ing, stabilizing, or rehabilitating any pri-*  
18                          *vate, public, or tribal historical building re-*  
19                          *lating to the themes of the Heritage Area;*

20                   (B) *encourage economic viability and diver-*  
21                   *sity in the Heritage Area in accordance with the*  
22                   *objectives of the management plan; and*

23                   (C) *encourage the installation of clear, con-*  
24                   *sistent, and environmentally appropriate signage*

1           *identifying access points and sites of interest*  
2           *throughout the Heritage Area;*

3           *(2) consider the interests of diverse governmental,*  
4           *business, and nonprofit groups within the Heritage*  
5           *Area;*

6           *(3) conduct public meetings within the Heritage*  
7           *Area at least semiannually regarding the implemen-*  
8           *tation of the management plan;*

9           *(4) submit substantial amendments (including*  
10          *any increase of more than 20 percent in the cost esti-*  
11          *mates for implementation) to the management plan to*  
12          *the Secretary for approval by the Secretary; and*

13          *(5) for any year for which Federal funds are re-*  
14          *ceived under this title—*

15               *(A) submit to the Secretary a report that*  
16               *describes, for the year—*

17                     *(i) the accomplishments of the manage-*  
18                     *ment entity;*

19                     *(ii) the expenses and income of the*  
20                     *management entity; and*

21                     *(iii) each entity to which any loan or*  
22                     *grant was made;*

23               *(B) make available for audit all records*  
24               *pertaining to the expenditure of the funds and*  
25               *any matching funds; and*

10 (d) PROHIBITION ON THE REGULATION OF LAND  
11 USE.—The management entity shall not regulate land use  
12 within the Heritage Area.

15 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

(2) *PRIORITY FOR ASSISTANCE.*—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—



1           (A) conserving the significant archae-  
 2           ological, historical, cultural, natural, scenic, and  
 3           recreational resources of the Heritage Area; and

4           (B) providing education, interpretive, and  
 5           recreational opportunities, consistent with those  
 6           resources.

7           (b) *APPLICATION OF FEDERAL LAW.*—The establish-  
 8           ment of the Heritage Area shall have no effect on the appli-  
 9           cation of any Federal law to any property within the Herit-  
 10          age Area.

11       **SEC. 409. LAND USE REGULATION; APPLICABILITY OF FED-**  
 12                               **ERAL LAW.**

13           (a) *LAND USE REGULATION.*—Nothing in this title—

14                   (1) modifies, enlarges, or diminishes any author-  
 15                   ity of the Federal, State, tribal, or local government  
 16                   to regulate by law (including by regulation) any use  
 17                   of land; or

18                   (2) grants any power of zoning or land use to  
 19                   the management entity.

20           (b) *APPLICABILITY OF FEDERAL LAW.*—Nothing in  
 21           this title—

22                   (1) imposes on the Heritage Area, as a result of  
 23                   the designation of the Heritage Area, any regulation  
 24                   that is not applicable to the area within the Heritage  
 25                   area as of the date of enactment of this title; or

1           (2) *authorizes any agency to promulgate a regu-*  
 2           *lation that applies to the Heritage Area solely as a*  
 3           *result of the designation under this title.*

4 **SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

5           (a) *IN GENERAL.*—*There are authorized to be appro-*  
 6           *priated to carry out this title \$10,000,000, of which not*  
 7           *more than \$1,000,000 may be authorized to be appropriated*  
 8           *for any fiscal year.*

9           (b) *COST-SHARING REQUIREMENT.*—*The Federal*  
 10          *share of the total cost of any activity assisted under this*  
 11          *title shall be not more than 50 percent.*

12 **SEC. 411. TERMINATION OF AUTHORITY.**

13          *The authority of the Secretary to provide assistance*  
 14          *under this title terminates on the date that is 15 years after*  
 15          *the date of enactment of this title.*

16 **TITLE           V—NORTHERN           RIO**  
 17          **GRANDE    NATIONAL   HERIT-**  
 18          **AGE AREA**

19 **SEC. 501. SHORT TITLE.**

20          *This title may be cited as the “Northern Rio Grande*  
 21          *National Heritage Area Act”.*

22 **SEC. 502. CONGRESSIONAL FINDINGS.**

23          *The Congress finds that—*

24               (1) *northern New Mexico encompasses a mosaic*  
 25               *of cultures and history, including eight Pueblos and*

1       *the descendants of Spanish ancestors who settled in*  
2       *the area in 1598;*

3             *(2) the combination of cultures, languages, folk*  
4       *arts, customs, and architecture make northern New*  
5       *Mexico unique;*

6             *(3) the area includes spectacular natural, scenic,*  
7       *and recreational resources;*

8             *(4) there is broad support from local govern-*  
9       *ments and interested individuals to establish a Na-*  
10       *tional Heritage Area to coordinate and assist in the*  
11       *preservation and interpretation of these resources;*

12            *(5) in 1991, the National Park Service study Al-*  
13       *ternative Concepts for Commemorating Spanish Col-*  
14       *onization identified several alternatives consistent*  
15       *with the establishment of a National Heritage Area,*  
16       *including conducting a comprehensive archaeological*  
17       *and historical research program, coordinating a com-*  
18       *prehensive interpretation program, and interpreting*  
19       *a cultural heritage scene; and*

20            *(6) establishment of a National Heritage Area in*  
21       *northern New Mexico would assist local communities*  
22       *and residents in preserving these unique cultural, his-*  
23       *torical and natural resources.*

24   **SEC. 503. DEFINITIONS.**

25       *As used in this title—*

1           (1) *the term “heritage area” means the Northern*  
 2           *Rio Grande Heritage Area; and*

3           (2) *the term “Secretary” means the Secretary of*  
 4           *the Interior.*

5   **SEC. 504. NORTHERN RIO GRANDE NATIONAL HERITAGE**  
 6           **AREA.**

7           (a) *ESTABLISHMENT.—There is hereby established the*  
 8           *Northern Rio Grande National Heritage Area in the State*  
 9           *of New Mexico.*

10          (b) *BOUNDARIES.—The heritage area shall include the*  
 11          *counties of Santa Fe, Rio Arriba, and Taos.*

12          (c) *MANAGEMENT ENTITY.—*

13               (1) *The Northern Rio Grande National Heritage*  
 14               *Area, Inc., a non-profit corporation chartered in the*  
 15               *State of New Mexico, shall serve as the management*  
 16               *entity for the heritage area.*

17               (2) *The Board of Directors for the management*  
 18               *entity shall include representatives of the State of*  
 19               *New Mexico, the counties of Santa Fe, Rio Arriba*  
 20               *and Taos, tribes and pueblos within the heritage area,*  
 21               *the cities of Santa Fe, Espanola and Taos, and mem-*  
 22               *bers of the general public. The total number of Board*  
 23               *members and the number of Directors representing*  
 24               *State, local and tribal governments and interested*

1        *communities shall be established to ensure that all*  
2        *parties have appropriate representation on the Board.*

3        **SEC. 505. AUTHORITY AND DUTIES OF THE MANAGEMENT**  
4        **ENTITY.**

5        *(a) MANAGEMENT PLAN.—*

6                *(1) Not later than 3 years after the date of enact-*  
7        *ment of this title, the management entity shall de-*  
8        *velop and forward to the Secretary a management*  
9        *plan for the heritage area.*

10               *(2) The management entity shall develop and*  
11        *implement the management plan in cooperation with*  
12        *affected communities, tribal and local governments*  
13        *and shall provide for public involvement in the devel-*  
14        *opment and implementation of the management plan.*

15               *(3) The management plan shall, at a min-*  
16        *imum—*

17                        *(A) provide recommendations for the con-*  
18        *servation, funding, management, and develop-*  
19        *ment of the resources of the heritage area;*

20                        *(B) identify sources of funding.*

21                        *(C) include an inventory of the cultural,*  
22        *historical, archaeological, natural, and rec-*  
23        *reational resources of the heritage area;*

24                        *(D) provide recommendations for edu-*  
25        *cational and interpretive programs to inform the*

1           public about the resources of the heritage area;  
2           and

3                 (E) include an analysis of ways in which  
4           local, State, Federal, and tribal programs may  
5           best be coordinated to promote the purposes of  
6           this title.

7           (4) If the management entity fails to submit a  
8           management plan to the secretary as provided in  
9           paragraph (1), the heritage area shall no longer be el-  
10          igible to receive Federal funding under this title until  
11          such time as a plan is submitted to the Secretary.

12          (5) The Secretary shall approve or disapprove  
13          the management plan within 90 days after the date  
14          of submission. If the Secretary disapproves the man-  
15          agement plan, the Secretary shall advise the manage-  
16          ment entity in writing of the reasons therefore and  
17          shall make recommendations for revisions to the plan.

18          (6) The management entity shall periodically re-  
19          view the management plan and submit to the Sec-  
20          retary any recommendations for proposed revisions to  
21          the management plan. Any major revisions to the  
22          management plan must be approved by the Secretary.

23          (b) *AUTHORITY.*—The management entity may make  
24          grants and provide technical assistance to tribal and local

1 *governments, and other public and private entities to carry*  
2 *out the management plan.*

3 *(c) DUTIES.—The management entity shall—*

4 *(1) give priority in implementing actions set*  
5 *forth in the management plan;*

6 *(2) coordinate with tribal and local governments*  
7 *to better enable them to adopt land use policies con-*  
8 *sistent with the goals of the management plan;*

9 *(3) encourage by appropriate means economic*  
10 *viability in the heritage area consistent with the goals*  
11 *of the management plan; and*

12 *(4) assist local and tribal governments and non-*  
13 *profit organizations in—*

14 *(A) establishing and maintaining interpre-*  
15 *tive exhibits in the heritage area;*

16 *(B) developing recreational resources in the*  
17 *heritage area;*

18 *(C) increasing public awareness of, and ap-*  
19 *preciation for, the cultural, historical, archae-*  
20 *ological and natural resources and sits in the*  
21 *heritage area;*

22 *(D) the restoration of historic structures re-*  
23 *lated to the heritage area; and*

24 *(E) carrying out other actions that the*  
25 *management entity determines appropriate to*

1           *fulfill the purposes of this title, consistent with*  
2           *the management plan.*

3           (d) *PROHIBITION ON ACQUIRING REAL PROPERTY.—*

4           *The management entity may not use Federal funds received*  
5           *under this title to acquire real property or an interest in*  
6           *real property.*

7           (e) *PUBLIC MEETINGS.—The management entity shall*  
8           *hold public meetings at least annually regarding the imple-*  
9           *mentation of the management plan.*

10          (f) *ANNUAL REPORTS AND AUDITS.—*

11           (1) *For any year in which the management enti-*  
12           *ty receives Federal funds under this title, the manage-*  
13           *ment entity shall submit an annual report to the Sec-*  
14           *retary setting forth accomplishments, expenses and*  
15           *income, and each entity to which any grant was*  
16           *made by the management entity.*

17           (2) *The management entity shall make available*  
18           *to the Secretary for audit all records relating to the*  
19           *expenditure of Federal funds and any matching*  
20           *funds. The management entity shall also require, for*  
21           *all agreements authorizing expenditure of Federal*  
22           *funds by other organizations, that the receiving orga-*  
23           *nization make available to the Secretary for audit all*  
24           *records concerning the expenditure of those funds.*



1 **SEC. 506. DUTIES OF THE SECRETARY.**

2       (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—*The*  
 3 *Secretary may, upon request of the management entity,*  
 4 *provide technical and financial assistance to develop and*  
 5 *implement the management plan.*

6       (b) *PRIORITY.*—*In providing assistance under sub-*  
 7 *section (a), the Secretary shall give priority to actions that*  
 8 *facilitate—*

9               (1) *the conservation of the significant natural,*  
 10 *cultural, historical, archaeological, scenic, and rec-*  
 11 *reational resources of the heritage area; and*

12              (2) *the provision of educational, interpretive,*  
 13 *and recreational opportunities consistent with the re-*  
 14 *sources and associated values of the heritage area.*

15 **SEC. 507. SAVINGS PROVISIONS.**

16       (a) *NO EFFECT ON PRIVATE PROPERTY.*—*Nothing in*  
 17 *this title shall be construed—*

18              (1) *to modify, enlarge, or diminish any author-*  
 19 *ity of Federal, State, or local governments to regulate*  
 20 *any use of privately owned lands; or*

21              (2) *to grant the management entity any author-*  
 22 *ity to regulate the use of privately owned lands.*

23       (b) *TRIBAL LANDS.*—*Nothing in this title shall restrict*  
 24 *or limit a tribe from protecting cultural or religious sites*  
 25 *on tribal lands.*

1       (c) *AUTHORITY OF GOVERNMENTS.*—*Nothing in this*  
 2 *title shall—*

3           (1) *modify, enlarge, or diminish any authority*  
 4 *of Federal, State, tribal, or local governments to man-*  
 5 *age or regulate any use of land as provided for by law*  
 6 *or regulation; or*

7           (2) *authorize the management entity to assume*  
 8 *any management authorities over such lands.*

9       (d) *TRUST RESPONSIBILITIES.*—*Nothing in this title*  
 10 *shall diminish the Federal Government’s trust responsibil-*  
 11 *ities or government-to-government obligations to any feder-*  
 12 *ally recognized Indian tribe.*

13 **SEC. 508. SUNSET.**

14       *The authority of the Secretary to provide assistance*  
 15 *under this title terminates on the date that is 15 years after*  
 16 *the date of enactment of this title.*

17 **SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

18       (a) *IN GENERAL.*—*There are authorized to be appro-*  
 19 *priated to carry out this title \$10,000,000, of which not*  
 20 *more than \$1,000,000 may be authorized to be appropriated*  
 21 *for any fiscal year.*

22       (b) *COST-SHARING REQUIREMENT.*—*The Federal*  
 23 *share of the total cost of any activity assisted under this*  
 24 *title shall be not more than 50 percent.*

1     **TITLE VI—NATIONAL MORMON**  
2     **PIONEER HERITAGE AREA**

3     **SEC. 601. SHORT TITLE.**

4         *This title may be cited as the “National Mormon Pio-*  
5     *neer Heritage Area Act”.*

6     **SEC. 602. FINDINGS AND PURPOSE.**

7         *(a) FINDINGS.—Congress finds that—*

8             *(1) the historical, cultural, and natural heritage*  
9     *legacies of Mormon colonization and settlement are*  
10    *nationally significant;*

11            *(2) in the area starting along the Highway 89*  
12    *corridor at the Arizona border, passing through Kane,*  
13    *Garfield, Piute, Sevier, Wayne, and Sanpete Counties*  
14    *in the State of Utah, and terminating in Fairview,*  
15    *Utah, there are a variety of heritage resources that*  
16    *demonstrate—*

17            *(A) the colonization of the western United*  
18    *States; and*

19            *(B) the expansion of the United States as a*  
20    *major world power;*

21            *(3) the great relocation to the western United*  
22    *States was facilitated by—*

23            *(A) the 1,400 mile trek from Illinois to the*  
24    *Great Salt Lake by the Mormon pioneers; and*

1                   (B) the subsequent colonization effort in Ne-  
2                   vada, Utah, the southeast corner of Idaho, the  
3                   southwest corner of Wyoming, large areas of  
4                   southeastern Oregon, much of southern Cali-  
5                   fornia, and areas along the eastern border of  
6                   California;

7                   (4) the 250-mile Highway 89 corridor from  
8                   Kanab to Fairview, Utah, contains some of the best  
9                   features of the Mormon colonization experience in the  
10                  United States;

11                  (5) the landscape, architecture, traditions, be-  
12                  liefs, folk life, products, and events along Highway 89  
13                  convey the heritage of the pioneer settlement;

14                  (6) the Boulder Loop, Capitol Reef National  
15                  Park, Zion National Park, Bryce Canyon National  
16                  Park, and the Highway 89 area convey the compel-  
17                  ling story of how early settlers—

18                         (A) interacted with Native Americans; and

19                         (B) established towns and cities in a harsh,  
20                         yet spectacular, natural environment;

21                  (7) the colonization and settlement of the Mor-  
22                  mon settlers opened up vast amounts of natural re-  
23                  sources, including coal, uranium, silver, gold, and  
24                  copper;

1           (8) *the Mormon colonization played a significant*  
2           *role in the history and progress of the development*  
3           *and settlement of the western United States; and*

4           (9) *the artisans, crafters, innkeepers, outfitters,*  
5           *historic landscape, customs, national parks, and ar-*  
6           *chitecture in the Heritage Area make the Heritage*  
7           *Area unique.*

8           (b) *PURPOSE.—The purpose of this title is to establish*  
9           *the Heritage Area to—*

10           (1) *foster a close working relationship with all*  
11           *levels of government, the private sector, residents,*  
12           *business interests, and local communities in the State;*

13           (2) *empower communities in the State to con-*  
14           *serve, preserve, and enhance the heritage of the com-*  
15           *munities while strengthening future economic oppor-*  
16           *tunities;*

17           (3) *conserve, interpret, and develop the histor-*  
18           *ical, cultural, natural, and recreational resources*  
19           *within the Heritage Area; and*

20           (4) *expand, foster, and develop heritage busi-*  
21           *nesses and products relating to the cultural heritage*  
22           *of the Heritage Area.*

23 **SEC. 603. DEFINITIONS.**

24           *In this title:*

1           (1) *ALLIANCE.*—*The term “Alliance” means the*  
 2           *Utah Heritage Highway 89 Alliance.*

3           (2) *BOARD.*—*The term “Board” means the*  
 4           *Board of Directors of the Alliance.*

5           (3) *HERITAGE AREA.*—*The term “Heritage*  
 6           *Area” means the National Mormon Pioneer Heritage*  
 7           *Area established by section 604(a).*

8           (4) *MANAGEMENT PLAN.*—*The term “manage-*  
 9           *ment plan” means the plan developed by the Board*  
 10          *under section 606(a).*

11          (5) *SECRETARY.*—*The term “Secretary” means*  
 12          *the Secretary of the Interior.*

13          (6) *STATE.*— *The term “State” means the State*  
 14          *of Utah.*

15 **SEC. 604. NATIONAL MORMON PIONEER HERITAGE AREA.**

16          (a) *ESTABLISHMENT.*—*There is established the Na-*  
 17          *tional Mormon Pioneer Heritage Area.*

18          (b) *BOUNDARIES.*—

19               (1) *IN GENERAL.*—*The boundaries of the Herit-*  
 20               *age Area shall include areas in the State that are—*

21                       (A) *related to the corridors—*

22                               (i) *from the Arizona border northward*  
 23                               *through Kanab, Utah, and to the intersec-*  
 24                               *tion of Highway 89 and Highway 12, in-*  
 25                               *cluding Highway 12 and Highway 24 as*

1                    *those highways loop off Highway 89 and re-*  
 2                    *join Highway 89 at Sigurd;*

3                    *(ii) from Highway 89 at the intersec-*  
 4                    *tion of Highway 12 through Panguitch,*  
 5                    *Junction, Marysvale, and Sevier County to*  
 6                    *Sigurd;*

7                    *(iii) continuing northward along*  
 8                    *Highway 89 through Axtell and Sterling,*  
 9                    *Sanpete County, to Fairview, Sanpete*  
 10                    *County, at the junction with Utah Highway*  
 11                    *31; and*

12                    *(iv) continuing northward along High-*  
 13                    *way 89 through Fairview and Thistle Junc-*  
 14                    *tion, to the junction with Highway 6; and*

15                    *(B) located in the following communities;*  
 16                    *Kanab, Mt. Carmel, Orderville, Glendale, Alton,*  
 17                    *Cannonville, Tropic, Henrieville, Escalante,*  
 18                    *Boulder, Teasdale, Fruita, Hanksville, Torrey,*  
 19                    *Bicknell, Loa, Hatch, Panguitch, Circleville, An-*  
 20                    *timony, Junction, Marysvale, Koosharem, Sevier,*  
 21                    *Joseph, Monroe, Elsinore, Richfield, Glenwood,*  
 22                    *Sigurd, Aurora, Salina, Mayfield, Sterling,*  
 23                    *Gunnison, Fayette, Manti, Ephraim, Spring*  
 24                    *City, Mt. Pleasant, Moroni, Fountain Green,*  
 25                    *and Fairview.*

1           (2) *MAP.*—*The Secretary shall prepare a map of*  
 2           *the Heritage Area, which shall be on file and avail-*  
 3           *able for public inspection in the office of the Director*  
 4           *of the National Park Service.*

5           (3) *NOTICE TO LOCAL GOVERNMENTS.*—*The Alli-*  
 6           *ance shall provide to the government of each city,*  
 7           *town, and county that has jurisdiction over property*  
 8           *proposed to be included in the Heritage Area written*  
 9           *notice of the proposed inclusion.*

10          (c) *ADMINISTRATION.*—*The Heritage Area shall be ad-*  
 11          *ministered in accordance with this title.*

12   **SEC. 605. DESIGNATION OF ALLIANCE AS MANAGEMENT**  
 13                                   **ENTITY.**

14          (a) *IN GENERAL.*—*The Alliance shall be the manage-*  
 15          *ment entity for the Heritage Area.*

16          (b) *FEDERAL FUNDING.*—

17               (1) *AUTHORIZATION TO RECEIVE FUNDS.*—*The*  
 18               *Alliance may receive amounts made available to*  
 19               *carry out this title.*

20               (2) *DISQUALIFICATION.*—*If a management plan*  
 21               *is not submitted to the Secretary as required under*  
 22               *section 606 within the time period specified in that*  
 23               *section, the Alliance may not receive Federal funding*  
 24               *under this title until a management plan is sub-*  
 25               *mitted to the Secretary.*



1       (c) *USE OF FEDERAL FUNDS.*—*The Alliance may, for*  
 2 *the purposes of developing and implementing the manage-*  
 3 *ment plan, use Federal funds made available under this*  
 4 *title—*

5           (1) *to make grants and loans to the State, polit-*  
 6 *ical subdivision of the State, nonprofit organizations,*  
 7 *and other persons;*

8           (2) *to enter into cooperative agreements with or*  
 9 *provide technical assistance to the State, political*  
 10 *subdivisions of the State, nonprofit organizations,*  
 11 *and other organizations;*

12          (3) *to hire and compensate staff;*

13          (4) *to obtain funds from any source under any*  
 14 *program or law requiring the recipient of funds to*  
 15 *make a contribution in order to receive the funds; and*

16          (5) *to contract for goods and services.*

17       (d) *PROHIBITION OF ACQUISITION OF REAL PROP-*  
 18 *ERTY.*—*The Alliance may not use Federal funds received*  
 19 *under this title to acquire real property or any interest in*  
 20 *real property.*

21 **SEC. 606. MANAGEMENT OF THE HERITAGE AREA.**

22       (a) *HERITAGE AREA MANAGEMENT PLAN.*—

23           (1) *DEVELOPMENT AND SUBMISSION FOR RE-*  
 24 *VIEW.*—*Not later than 3 years after the date of enact-*  
 25 *ment of this title, the Board, with public participa-*

tion, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendation for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans in effect on the date of enactment of this title;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or

1                   *maintained because of the historical,*  
2                   *cultural, or natural significance of the*  
3                   *property as the property relates to the*  
4                   *themes of the Heritage Area; and*

5                   *(II) does not include any property*  
6                   *that is privately owned unless the*  
7                   *owner of the property consents in writ-*  
8                   *ing to the inclusion;*

9                   *(ii) a recommendation of policies for*  
10                  *resource management that consider the ap-*  
11                  *plication of appropriate land and water*  
12                  *management techniques, including policies*  
13                  *for the development of intergovernmental co-*  
14                  *operative agreements to manage the histor-*  
15                  *ical, cultural, and natural resources and*  
16                  *recreational opportunities of the Heritage*  
17                  *Area in a manner that is consistent with*  
18                  *the support of appropriate and compatible*  
19                  *economic viability;*

20                  *(iii) a program for implementation of*  
21                  *the management plan, including plans for*  
22                  *restoration and construction;*

23                  *(iv) a description of any commitments*  
24                  *that have been made by persons interested*  
25                  *in management of the Heritage Area;*

1                   (v) *an analysis of means by which*  
 2                   *Federal, State, and local programs may best*  
 3                   *be coordinated to promote the purposes of*  
 4                   *this title; and*

5                   (vi) *an interpretive plan for the Herit-*  
 6                   *age Area.*

7                   (3) *APPROVAL OR DISAPPROVAL OF THE MAN-*  
 8                   *AGEMENT PLAN.—*

9                   (A) *IN GENERAL.—Not later than 180 days*  
 10                  *after submission of the management plan by the*  
 11                  *Board, the Secretary shall approve or disapprove*  
 12                  *the management plan.*

13                  (B) *DISAPPROVAL AND REVISIONS.—*

14                  (i) *IN GENERAL.—If the Secretary dis-*  
 15                  *approves the management plan, the Sec-*  
 16                  *retary shall—*

17                         (I) *advise the Board, in writing,*  
 18                         *of the reasons for the disapproval; and*

19                         (II) *make recommendations for*  
 20                         *revision of the management plans.*

21                  (ii) *APPROVAL OR DISAPPROVAL.—The*  
 22                  *Secretary shall approve or disapprove pro-*  
 23                  *posed revisions to the management plan not*  
 24                  *later than 60 days after receipt of the revi-*  
 25                  *sions from the Board.*

1       (b) *PRIORITIES.*—*The Alliance shall give priority to*  
2 *the implementation of actions, goals, and policies set forth*  
3 *in the management plan, including—*

4           (1) *assisting units of government, regional plan-*  
5 *ning organizations, and nonprofit organizations in—*

6               (A) *conserving the historical, cultural, and*  
7 *natural resources of the Heritage Area;*

8               (B) *establishing and maintaining interpre-*  
9 *tive exhibits in the Heritage Area;*

10              (C) *developing recreational opportunities in*  
11 *the Heritage Area;*

12              (D) *increasing public awareness of and ap-*  
13 *preciation for the historical, cultural, and nat-*  
14 *ural resources of the Heritage Area;*

15              (E) *restoring historic buildings that are—*

16                   (i) *located within the boundaries of the*  
17 *Heritage Area; and*

18                   (ii) *related to the theme of the Heritage*  
19 *Area; and*

20              (F) *ensuring that clear, consistent, and en-*  
21 *vironmentally appropriate signs identifying ac-*  
22 *cess points and sites of interest are put in place*  
23 *throughout the Heritage Area; and*

24              (2) *consistent with the goals of the management*  
25 *plan, encouraging economic viability in the affected*

1        *communities by appropriate means, including en-*  
2        *couraging and soliciting the development of heritage*  
3        *products.*

4        *(c) CONSIDERATION OF INTERESTS OF LOCAL*  
5        *GROUPS.—In developing and implementing the manage-*  
6        *ment plan, the Board shall consider the interests of diverse*  
7        *units of government, businesses, private property owners,*  
8        *and nonprofit organizations in the Heritage Area.*

9        *(d) PUBLIC MEETINGS.—The Board shall conduct*  
10       *public meetings at least annually regarding the implemen-*  
11       *tation of the management plan.*

12       *(e) ANNUAL REPORTS.—For any fiscal year in which*  
13       *the Alliance receives Federal funds under this title or in*  
14       *which a loan made by the Alliance with Federal funds*  
15       *under section 605(c)(1) is outstanding, the Alliance shall*  
16       *submit to the Secretary an annual report that describes—*

17                *(1) the accomplishments of the Alliance;*  
18                *(2) the expenses and income of the Alliance; and*  
19                *(3) the entities to which the Alliance made any*  
20       *loans or grants during the year for which the report*  
21       *is made.*

22       *(f) COOPERATION WITH AUDITS.—For any fiscal year*  
23       *in which the Alliance receives Federal funds under this title*  
24       *or in which a loan made by the Alliance with Federal funds*  
25       *under section 605(c)(1) is outstanding, the Alliance shall—*

6           (2) require, with respect to all agreements au-  
7       thorizing expenditure of the Federal funds by other  
8       organizations, that the receiving organizations make  
9       available for audit all records and other information  
10      relating to the expenditure of the Federal funds.

(1) *IN GENERAL.*—The Alliance may delete the responsibilities and actions under this section for each area identified in section 604(b)(1).

18 *SEC. 607. DUTIES AND AUTHORITIES OF FEDERAL AGEN-*  
19 *CIES.*

21 (1) *IN GENERAL.*—The Secretary may provide  
22 technical assistance and, subject to the availability of  
23 appropriations, grants to—

1           (A) units of government, nonprofit organi-  
2           zations, and other persons, at the request of the  
3           Alliance; and

4           (B) the Alliance, for use in developing and  
5           implementing the management plan.

6           (2) PROHIBITION OF CERTAIN REQUIREMENTS.—

7           The Secretary may not, as a condition of the award  
8           of technical assistance or grants under this section,  
9           require any recipient of the technical assistance or a  
10          grant to enact or modify any land use restriction.

11          (3) DETERMINATION REGARDING ASSISTANCE.—

12          The Secretary shall determine whether a unit of gov-  
13          ernment, nonprofit organization, or other person shall  
14          be awarded technical assistance or grants and the  
15          amount of technical assistance—

16               (A) based on the extent to which the assist-  
17               ance—

18                       (i) fulfills the objectives of the manage-  
19                       ment plan; and

20                       (ii) achieves the purposes of this title;  
21                       and

22               (B) after giving special consideration to  
23               projects that provide a greater leverage of Fed-  
24               eral funds.



1       (b) *PROVISION OF INFORMATION.*—*In cooperation with*  
 2 *other Federal agencies, the Secretary shall provide the pub-*  
 3 *lic with information concerning the location and character*  
 4 *of the Heritage Area.*

5       (c) *OTHER ASSISTANCE.*—*The Secretary may enter*  
 6 *into cooperative agreements with public and private organi-*  
 7 *zations for the purposes of implementing this section.*

8       (d) *DUTIES OF OTHER FEDERAL AGENCIES.*—*A Fed-*  
 9 *eral entity conducting any activity directly affecting the*  
 10 *Heritage Area shall—*

11           (1) *consider the potential effect of the activity on*  
 12 *the management plan; and*

13           (2) *consult with the Alliance with respect to the*  
 14 *activity to minimize the adverse effects of the activity*  
 15 *on the Heritage Area.*

16 **SEC. 608. NO EFFECT ON LAND USE AUTHORITY AND PRI-**  
 17 **VATE PROPERTY.**

18       (a) *NO EFFECT ON LAND USE AUTHORITY.*—*Nothing*  
 19 *in this title modifies, enlarges, or diminishes any authority*  
 20 *of Federal, State, or local government to regulate any use*  
 21 *of land under any other law (including regulations).*

22       (b) *NO ZONING OR LAND USE POWERS.*—*Nothing in*  
 23 *this title grants powers of zoning or land use control to the*  
 24 *Alliance.*

1       (c) *LOCAL AUTHORITY AND PRIVATE PROPERTY NOT*  
 2 *AFFECTED.*—*Nothing in this title affects or authorizes the*  
 3 *Alliance to interfere with—*

4           (1) *the right of any person with respect to pri-*  
 5 *vate property; or*

6           (2) *any local zoning ordinance or land use plan*  
 7 *of the State or a political subdivision of the State.*

8 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

9       (a) *IN GENERAL.*—*There is authorized to be appro-*  
 10 *priated to carry out this title \$10,000,000, of which not*  
 11 *more than \$1,000,000 may be made available for any fiscal*  
 12 *year.*

13       (b) *FEDERAL SHARE.*—*The Federal share of the cost*  
 14 *of any activity carried out using funds made available*  
 15 *under this title shall not exceed 50 percent.*

16 **SEC. 610. TERMINATION OF AUTHORITY.**

17       *The authority of the Secretary to provide assistance*  
 18 *under this title terminates on the date that is 15 years after*  
 19 *the date of enactment of this title.*

1 **TITLE VII—JOHN H. CHAFEE**  
2 **BLACKSTONE RIVER VALLEY**  
3 **NATIONAL HERITAGE COR-**  
4 **RIDOR**

5 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

6 *Section 10 of Public Law 99–647 (16 U.S.C. 461 note)*  
7 *is amended by striking subsection (b) and inserting the fol-*  
8 *lowing:*

9 “(b) *DEVELOPMENT FUNDS.*—*There is authorized to be*  
10 *appropriated to carry out section 8(c) for the period of fis-*  
11 *cal years 2003 through 2007 not more than \$5,000,000, to*  
12 *remain available until expended.*”.

**Calendar No. 605**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 695**

**[Report No. 107-286]**

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**AN ACT**

To establish the Oil Region National Heritage  
Area.

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SEPTEMBER 17, 2002

Reported with an amendment